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ABSTRACT

This document contains the Oregon State Board of Education's 1996 edition of administrative rules relating to Oregon schools and community colleges. The document contains regulatory materials pertaining to the following areas: procedural rules; minimum pay for substitute teachers; reorganization; textbook adoption; special education; the Oregon State School for the Blind; the Oregon State School for the Deaf; prekindergarten; school improvement and professional development; school governance and student conduct; standards for public elementary and secondary schools; school finance; standards for intermediate education districts; district boundary board hearings; educational assistants; the method for awarding competitive grants; community college district formation; community college course eligibility; community college instructor standards; Workforce 2000 vocational-technical education program; private vocational schools; standards for the accreditation of Emergency Medical Technology Education and Training Program; school food and nutrition services; school-bus driver training, licensing, and school-bus standards; driver education; funds to state and local agencies to provide employment and training services under the Job Training Partnership Act (JTPA); and radio-television agreement. (LMI)

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Oregon Administrative Rules

Adopted by the State Board of Education

1996 Edition

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Norma Paulus
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Oregon Department of Education
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FOREWORD

We are pleased to present for your use the State Board of Education's 1996 edition of Oregon Administrative Rules relating to Oregon schools and community colleges.

During the year, newly adopted, amended, or repealed rules will be mailed to school districts. These changes to rules should be immediately inserted into this book to assure your copy of the administrative rules is current. Our next edition will be published in the fall of 1997.

The Department of Education staff welcomes your questions and is ready to assist you. Please feel free to contact the following individuals regarding the adoption and implementation of these rules: Greg McMurdo, Deputy Superintendent, (503) 378-3573 ext. 531; Kathryn Murdock, Director Legal Services, (503) 378-3573 ext 536; or Sharon Gallagher, Rules Coordinator, (503) 378-3573 ext. 537.

Judith Stiegler
Judith Stiegler
Chair
State Board of Education

Norma Paulus
Norma Paulus
State Superintendent
of Public Instruction

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DIVISION 1

PROCEDURAL RULES

Notice of Proposed Rule

581-01-000 Prior to the adoption, amendments or repeal of any rule, the State Board of Education shall give notice of the proposed adoption, amendment or repeal:

(1) In the Secretary of State's Bulletin referred to in ORS 183.360 at least 21 days prior to the effective date of the rule to be adopted;

(2) By mailing, at least 28 days before the effective date of the rule, a copy of the notice to persons on the State Board of Education's mailing list established pursuant to ORS 183.335(7);

(3) Persons who wish to be placed on the State Board of Education's mailing list may request in writing that the Department mail to the person copies of its notice of proposed rulemaking;

(4) By mailing a copy of the notice to the following persons, organizations or publications:

(a) Associated Press;

(b) Chancellor's Office, State Department of Higher Education;

(c) Confederation of Oregon School Administrators;

(d) Established student and parent organizations that have submitted mailing addresses;

(e) Education Service Districts;

(f) Oregon Community College Association;

(g) Oregon Education Association;

(h) Oregon Education Policy and Planning;

(i) Oregon Federation of Teachers;

(j) Oregon School Boards Association;

(k) Oregon School Employees Association; and

(l) Capitol Press Room

Stat. Auth.: ORS 183.335 & 183.341(4)
Stats. Implemented: ORS 183.335
Hist.: 1EB 206, f. 12-5-75, ef. 12-26-75; Renumbered from 581-61-040, 4-1-76; 1EB 8-1980, f. & ef. 4-17-80; 1EB 15-1984, f. & ef. 9-27-84; EB 11-1994, f. & cert. ef. 10-3-94

Authorization for Employee to Appear on Behalf of Agency in Certain Hearings

581-01-002 In contested case hearings authorized by ORS 326.603 and OAR 581-53-006, an officer or employee of the Department may represent the Department if the Attorney General so consents to such representation.

Stat. Auth.: ORS 183.450(7) & (8)
Stats. Implemented: ORS
Hist.: EB 1-1995, f. & cert. ef. 1-24-95

Model Rules of Procedure

581-01-005 Pursuant to the provisions of ORS 183.341, the State Board of Education adopts the Attorney General's Model Rules of Procedure under the Administrative Procedure Act in effect on December 1, 1994, except for special education due process hearings authorized under ORS 343.165, which shall be heard in accordance with rules of the State Board of Education implementing the federal law, Individuals with Disabilities Education Act, in effect as of December 1, 1994.

Stat. Auth.: ORS Ch. 183
Stats. Implemented: ORS 183.341
Hist.: 1EB 2, f. 12-22-58; 1EB 125, f. 11-4-71, ef. 11-15-71; 1EB 160, f. 11-2-73, ef. 11-25-73; Renumbered from 581-61-035, 4-1-76; 1EB 222, f. 3-22-76, ef. 4-1-76; 1EB 14-1978, f. & ef. 4-3-78; 1EB 7-1980, f. & ef. 4-17-80; 1EB 20-1981(Temp), f. 12-29-81, ef. 12-31-81; 1EB 11-1982, f. & ef. 3-24-82; 1EB 2-1984, f. 2-17-84, ef. 5-8-84; 1EB 22-1986, f. & ef. 7-14-86; EB 2-1995, f. & cert. ef. 1-24-95

[ED. NOTE: The text of Temporary Rules is not printed in the Oregon Administrative Rules Compilation. Copies may be obtained from the adopting agency or the Secretary of State.]

[ED. NOTE: The full text of the Attorney General's Model Rules of Procedure is available from the office of the Attorney General or the Department of Education.]

Request for Stay

581-01-006 [1EB 13-1983(Temp),
f. & ef. 11-9-83]

Request for Stay — Motion to Intervene

581-01-007 [1EB 13-1983(Temp),
f. & ef. 11-9-83]

Request for Stay — Board Determination

581-01-008 [1EB 13-1983(Temp),
f. & ef. 11-9-83]

Procedures for Complaints as Required by Specific Federal Programs

581-01-010 (1) An organization or individual may file with the State Superintendent of Public Instruction a written, signed complaint that the Department of Education, or a subgrantee, including but not limited to a regional program, an education service district or a local education agency is violating a federal statute or regulation that applies to an educational program. The Department will investigate and resolve only those issues that arise under a federal statute or federal regulation which contains a provision that a state must have a written complaint procedure. If a complaint alleges violations of federal statues or federal regulations not having such a provision, the complainant shall be informed of alternative procedures that are available to address the complainant's allegations.

(2) The complaint must include the facts on which the complaint is based. If the facts as alleged by the complainant constitute a violation of federal law, the Superintendent shall resolve the matter within 60 days of receipt of the complaint:

(a) The Superintendent shall send a copy of the complaint to the responsible division within the state department, local educational agency or subgrantee and request it to respond to the allegations. The Superintendent may also initiate attempts to resolve the complaint through mediation;

(b) The respondent shall furnish any information or documents requested by the Superintendent.

(3) The respondent shall submit its response and requested documents within ten days of its receipt of the complaint from the Superintendent. Under exceptional circumstances, the Superintendent may extend the time for responding to the complaint beyond ten days.

(4) The Superintendent shall give the complainant the opportunity to submit additional

information, either orally or in writing, about the allegations in the complaint.

(5) The Superintendent shall investigate the allegations of the complaint to the extent necessary to resolve the matter and at the Superintendent's discretion may:

(a) Conduct an on-site investigation; and

(b) Conduct interviews and review documents as deemed necessary.

(6) The Superintendent shall issue a written decision that addresses each allegation in the complaint and contains findings of fact, conclusions, and reasons for the Department's final decision. Unless an extension has been granted, the decision shall be issued within 60 days of receipt of the complaint.

(7) Only under exceptional circumstances may the Superintendent extend the time for issuing a written decision under section (6) of this rule.

(8) If a violation is found, the Superintendent's written decision shall include any necessary corrective action to be undertaken as well as any documentation to be supplied by any party to insure that the corrective action has occurred.

(9) The Superintendent shall inform the respondent and the complaining party of the right to request the United State Secretary of Education to review the final decision.

(10) Corrective action ordered by the Superintendent shall be taken within 30 days of the date of the decision, or at a later date in accordance with the terms established by the Department on a case-by-case basis.

(11) At any time during the pendency of the complaint, if the Superintendent determines that there is a strong likelihood that the respondent has significantly breached federal law and that delay may cause irreparable harm, the Superintendent may order interim relief.

(12) The Superintendent may delay the investigation of a complaint under this rule if a due process hearing on the same issues is pending or filed as provided in OAR 581-15-081 or 581-15-109.

(13) If the respondent refuses to voluntarily comply with a plan of correction when so ordered, the Superintendent may do any of the following:

(a) Disapprove, or fail to approve in whole or part, the respondent's application for federal funding;

(b) Withhold or terminate further assistance to the respondent for an approved project;

(c) Suspend payments, under an approved project, to a respondent;

(d) Order, in accordance with a final state audit resolution determination, the repayment of misspent federal funds; and

(e) Withhold all or part of a district's basic school support in accordance with ORS 327.103.

(14) Before the Superintendent denies or withholds funding or orders reimbursement as provided in section (13) of this rule, the Superintendent shall notify the respondent of its right to request a hearing in accordance with ORS 183.415:

(a) The hearing request must be made to the Superintendent within 30 days of receiving notice;

(b) The Superintendent shall appoint a hearings officer who will conduct the hearing in accordance with ORS 183.413 to 183.470;

(c) The burden of proof at the hearing is on the Department;

(d) The Superintendent's decision shall be final, subject to appeal to the United States Secretary of Education or the Oregon Court of Appeals.

(15) No person shall suffer retaliation or discrimination for having filed or participated in this complaint procedure. Any person who believes that she or he has suffered retaliation or discrimination may file a complaint under this rule with the Superintendent.

Stat. Auth.: ORS 326.310, 343.055 & 343.155
Stats. Implemented: ORS 343.041
Hist.: 1EB 28-1980, f. & ef. 12-23-80; EB 26-1987(Temp), f. & ef. 11-17-87; EB 22-1988, f. & cert. ef. 5-24-88; EB 32-1988, f. & cert. ef. 8-3-88; EB 44-1990, f. & cert. ef. 9-12-90; EB 35-1992(Temp), f. & cert. ef. 11-24-92; EB 8-1993, f. & cert. ef. 3-25-93

[**ED. NOTE:** The text of Temporary Rules is not printed in the Oregon Administrative Rules Compilation. Copies may be obtained from the adopting agency or the Secretary of State.]

Reorganization of School Districts

581-01-011 [1EB 3-1983(Temp),
f. & ef. 4-26-83]

Standards for Review of Reorganization Plans

581-01-012 [1EB 7-1983(Temp),
f. & ef. 5-26-83]

Donation, Sale or Lease of Public Property

581-01-015 [1EB 10-1985(Temp),
f. & ef. 2-19-85]

Parking Regulations, Definitions

581-01-051 [1EB 19-1981(Temp), f. & ef. 12-23-81;
1EB 8-1982, f. & ef. 3-24-82;
1EB 13-1986, f. 4-25-86, ef. 4-28-86;
EB 33-1988, f. 8-3-88,cert. ef. 9-1-88;
Repealed by EB 12-1994,
f. & cert. ef. 10-3-94]

Parking Rules (Pringle Park)

581-01-052 [1EB 19-1981(Temp), f. & ef. 12-23-81;
1EB 8-1982, f. & ef. 3-24-82;
1EB 18-1982, f. & ef. 9-30-82;
1EB 13-1986, f. 4-25-86, ef. 4-28-86;
EB 33-1988, f. 8-3-88, cert. ef. 9-1-88;
Repealed by EB 12-1994,
f. & cert. ef. 10-3-94]

Parking Rules (OSSB and OSSD)

581-01-053 (1) There shall be no charge to employees of the Oregon State Schools for the Blind and Deaf for parking automobiles at those schools or for using bicycle racks provided by the Department.

(2) The Department may issue parking permits to other employees who wish to park at either of the schools. The parking rate for such permits will be one-half of the O rider permits issued for the Pringle site rounded to the nearest half dollar.

(3) The Department provides parking for official business only, unless other arrangements are expressly made for employees (during working hours), visitors, commercial service, and state-owned vehicles. Persons who fail to comply with this rule shall forfeit their parking privileges, and be subject to the enforcement provisions specified

in OAR 581-23-052(12). The Department may provide the following types of additional parking:

(a) Specially marked or designated free parking for the temporary use of individuals with handicaps visiting state offices. Vehicles occupying such spaces shall bear the appropriate identifying plate or decal sticker issued by the Motor Vehicles Division;

(b) Time-limited free spaces for use by persons transacting business in state offices. No state employee shall abuse this class of parking;

(c) Free spaces designated for commercial loading and service vehicle use only.

(4) Provisions for safety and enforcement set forth in OAR 581-01-052(11) and (12) shall apply as well to parking facilities at the Oregon State Schools for the Blind and Deaf.

(5) Effective date of these amendments shall be September 1, 1988.

Stat. Auth.: ORS Ch. 98, 276 & 591
Stats. Implemented: ORS 276.591 & 276.595
Hist.: 1EB 19-1981(Temp), f. & ef. 12-23-81; 1EB 8-1982, f. & ef. 3-24-82; 1EB 13-1986, f. 4-25-86, ef. 4-28-86; EB 33-1988, f. 8-3-88, cert. ef. 9-1-88

[**ED. NOTE**: The text of Temporary Rules is not printed in the Oregon Administrative Rules Compilation. Copies may be obtained from the adopting agency or the Secretary of State.]

Audit Adjustments and Appeals

581-01-100 (1) Any audit exception involving overpayment or underpayment for any program funded through the Oregon Department of Education shall be adjusted in a succeeding year, either by withholding the amount of overpayment, or by payment of funds due the recipient, unless the State Superintendent of Public Instruction agrees to an alternative method of adjustment.

(2) If the recipient disputes the Department's determination of an audit exception, the recipient may appeal to the State Superintendent of Public Instruction in the manner provided for a contested case under ORS 183.413 to 183.470.

Stat. Auth.: ORS Ch. 183 & 326
Stats. Implemented: ORS
Hist.: 1EB 9-1982, f. & ef. 3-24-82

Establishing Fees for Public Records

581-01-105 (1) The Oregon Department of Education may charge a fee of twenty-five (25) cents per page for supplying copies of public records on request.

(2) The Department may charge an additional fee reasonably calculated to provide reimbursement for costs incurred in locating, compiling, editing or otherwise processing such records to make them available for inspection, and for costs incurred in locating, compiling, editing or otherwise processing such records to make them available for inspection, and for costs of conveying such records to the requester. Employee time required for such purposes shall be billed at a rate not to exceed cost of employee time to the Department.

(3) No additional fee will be charged for providing records in an alternative format to individuals with vision or hearing impairments when required by the Americans with Disabilities Act.

(4) A Deputy Superintendent may reduce or waive fees when:

(a) The time spent making the records available was negligible; or

(b) Supplying the requested records is within the normal scope of Department activity; or

(c) Payment would make extreme financial hardship upon requester.

Stat. Auth.: ORS 326.325
Stats. Implemented: ORS 192.440
Hist.: 1EB 16-1985, f. & ef. 7-3-85; EB 13-1994, f. & cert. ef. 10-3-94

Personal Service Contracts

Introduction

581-01-200 [EB 19-1992, f. & cert. ef. 6-23-92;
Repealed by EB 10-1995,
f. & cert. ef. 5-25-95]

Definitions

581-01-210 [EB 19-1992, f. & cert. ef. 6-23-92;
Repealed by EB 10-1995,
f. & cert. ef. 5-25-95]

Basic Policy

581-01-220 [EB 19-1992, f. & cert. ef. 6-23-92;
Repealed by EB 10-1995,
f. & cert. ef. 5-25-95]

Documentation Required

581-01-230 [EB 19-1992, f. & cert. ef. 6-23-92;
Repealed by EB 10-1995,
f. & cert. ef. 5-25-95]

Procedure and Responsibility

581-01-240 [EB 19-1992, f. & cert. ef. 6-23-92;
Repealed by EB 10-1995,
f. & cert. ef. 5-25-95]

DIVISION 5

MINIMUM PAY FOR SUBSTITUTE TEACHERS

Minimum Pay for Substitute Teachers

581-05-001 (1) This rule does not apply to substitute teachers represented in a bargaining unit in the school district by which they are employed.

(2) The minimum pay for a substitute teacher shall be $96.18 per day during the period July 1, 1995 through September 8, 1995; it shall be $102.59 during the period September 9, 1995 through June 30, 1996.

(3) For districts with no salary scale, the minimum salary for a substitute teacher employed for more than ten consecutive days in any one assignment for the same teacher is to be $128.24 per day during the period July 1, 1995 to June 30, 1996.

Stat. Auth.: ORS 342.610
Stats. Implemented: ORS 342.610
Stats. Implemented: ORS 342.610
Hist.: 1EB 12-1978, f. 4-3-78, ef. 7-1-78; 1EB 3-1979, f. 3-30-79, ef. 7-1-79; 1EB 6-1980, f. & ef. 4-17-80; 1EB 9-1981, f. 4-1-81, ef. 7-1-81; 1EB 14-1982, f. 5-13-82, ef. 7-1-82; 1EB 4-1983, f. 5-3-83, ef. 7-1-83; 1EB 8-1984, f. 4-13-84, ef. 7-1-84; 1EB 12-1985, f. 3-29-85, ef. 7-1-85; 1EB 20-1986, f. 5-20-86, ef. 5-23-86; 1EB 36-1986, f. & ef. 8-7-86; EB 8-1987, f. & ef. 5-12-87; EB 25-1988, f. & cert. ef. 5-25-88; EB 17-1989, f. & cert. ef. 5-15-89; EB 33-1990, f. & cert. ef. 7-10-90; EB 9-1991, f. & cert. ef. 7-15-91; EB 20-1992, f. & cert. ef. 6-23-92; EB 23-1993, f. & cert. ef. 7-30-93; EB 8-1994, f. & cert. ef. 6-28-94; EB 21-1995, f. & cert. ef. 9-15-95

Standards for Competent and Ethical Performance of Oregon Educators

Application of Rules

581-05-004 [1EB 27-1978, f. & ef. 7-10-78; Repealed by 1EB 17-1979, f. 11-8-79, ef. 11-9-79]

Definitions

581-05-005 [1EB 27-1978, f. & ef. 7-10-78; Repealed by 1EB 17-1979, f. 11-8-79, ef. 11-9-79]

The Competent Educator

581-05-010 [1EB 27-1978, f. & ef. 7-10-78; Repealed by 1EB 17-1979, f. 11-8-79, ef. 11-9-79]

Curriculum and Instruction

581-05-015 [1EB 27-1978, f. & ef. 7-10-78; Repealed by 1EB 17-1979, f. 11-8-79, ef. 11-9-79]

Supervision and Evaluation

581-05-020 [1EB 27-1978, f. & ef. 7-10-78; Repealed by 1EB 17-1979, f. 11-8-79, ef. 11-9-79]

Management Skills

581-05-025 [1EB 27-1978, f. & ef. 7-10-78; Repealed by 1EB 17-1979, f. 11-8-79, ef. 11-9-79]

Human Relations and Communications

581-05-030 [1EB 27-1978, f. & ef. 7-10-78; Repealed by 1EB 17-1979, f. 11-8-79, ef. 11-9-79]

The Ethical Educator

581-05-035 [1EB 27-1978, f. & ef. 7-10-78; Repealed by 1EB 17-1979, f. 11-8-79, ef. 11-9-79]

DIVISION 10

REORGANIZATION

Authority of Members
581-10-005 [1EB 30, f. 1-19-60;
1EB 57, f. 1-26-61;
1EB 68, f. 8-18-61, ef. 9-10-61;
1EB 118, f. 11-28-67, ef. 12-25-67;
Repealed by 1EB 131,
f. 5-19-72, ef. 6-1-72]

Relationship of State and Local Boards
581-10-010 [1EB 30, f. 1-19-60;
1EB 57, f. 1-26-61;
1EB 68, f. 8-18-61, ef. 9-10-61;
1EB 118, f. 11-28-67, ef. 12-25-67;
Repealed by 1EB 131,
f. 5-19-72, ef. 6-1-72]

Federal Aid to Education
581-10-015 [1EB 30, f. 1-19-60;
1EB 57, f. 1-26-61;
1EB 68, f. 8-18-61, ef. 9-10-61;
1EB 118, f. 11-18-67, ef. 12-25-67;
Repealed by 1EB 131,
f. 5-19-72, ef. 6-1-72]

Community Colleges
581-10-020 [1EB 30, f. 1-19-60;
1EB 57, f. 1-26-61;
1EB 68, f. 8-18-61, ef. 9-10-61;
1EB 118, f. 11-18-67, ef. 12-25-67;
Repealed by 1EB 131,
f. 5-19-72, ef. 6-1-72] !mTB!xRules
of Procedure

Meetings
581-10-025 [1EB 30, f. 1-19-60;
1EB 57, f. 1-26-61;
1EB 68, f. 8-18-61, ef. 9-10-61;
1EB 118, f. 11-18-67, ef. 12-25-67;
Repealed by 1EB 131,
f. 5-19-72, ef. 6-1-72]

Time of Meetings
581-10-030 [1EB 30, f. 1-19-60;
1EB 57, f. 1-26-61;
1EB 68, f. 8-18-61, ef. 9-10-61;
1EB 118, f. 11-18-67, ef. 12-25-67;
Repealed by 1EB 131,
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Meeting Devoted to Instructional Program
581-10-035 [1EB 30, f. 1-19-60;
1EB 57, f. 1-26-61;
1EB 68, f. 8-18-61, ef. 9-10-61;
1EB 118, f. 11-18-67, ef. 12-25-67;
Repealed by 1EB 131,
f. 5-19-72, ef. 6-1-72]

Chairmanship
581-10-040 [1EB 30, f. 1-19-60;
1EB 57, f. 1-26-61;
1EB 68, f. 8-18-61, ef. 9-10-61;
1EB 118, f. 11-18-67, ef. 12-25-67;
Repealed by 1EB 131,
f. 5-19-72, ef. 6-1-72]

Secretary
581-10-045 [1EB 30, f. 1-19-60;
1EB 57, f. 1-26-61;
1EB 68, f. 8-18-61, ef. 9-10-61;
1EB 118, f. 11-18-67, ef. 12-25-67;
Repealed by 1EB 131,
f. 5-19-72,ef. 6-1-72]

Agenda
581-10-050 [1EB 30, f. 1-19-60;
1EB 57, f. 1-26-61;
1EB 68, f. 8-18-61, ef. 9-10-61;
1EB 118, f. 11-18-67, ef. 12-25-67;
Repealed by 1EB 131,
f. 5-19-72, ef. 6-1-72]

Requests of Persons or Groups For Consideration
581-10-055 [1EB 30, f. 1-19-60;
1EB 57, f. 1-26-61;
1EB 68, f. 8-18-61, ef. 9-10-61;
1EB 118, f. 11-18-67, ef. 12-25-67;
Repealed by 1EB 131,
f. 5-19-72, ef. 6-1-72]

Quorum
581-10-060 [1EB 30, f. 1-19-60;
1EB 57, f. 1-26-61;
1EB 68, f. 8-18-61, ef. 9-10-61;
1EB 118, f. 11-18-67, ef. 12-25-67;
Repealed by 1EB 131,
f. 5-19-72, ef. 6-1-72]

Order of Business at Regular Meetings
581-10-065 [1EB 30, f. 1-19-60;
1EB 57, f. 1-26-61;
1EB 68, f. 8-18-61, ef. 9-10-61;
1EB 118, f. 11-18-67, ef. 12-25-67;
Repealed by 1EB 131,
f. 5-19-72, ef. 6-1-72]

Open Meetings
581-10-070 [1EB 30, f. 1-19-60;
1EB 57, f. 1-26-61;
1EB 68, f. 8-18-61, ef. 9-10-61;
1EB 118, f. 11-18-67, ef. 12-25-67;
Repealed by 1EB 131,
f. 5-19-72, ef. 6-1-72]

Parlimentary Procedure
581-10-075 [1EB 30, f. 1-19-60;
1EB 57, f. 1-26-61;
1EB 68, f. 8-18-61, ef. 9-10-61;
1EB 118, f. 11-18-67, ef. 12-25-67;
Repealed by 1EB 131,
f. 5-19-72, ef. 6-1-72]

Attendance of Professional Staff at Board Meetings
581-10-080 [1EB 30, f. 1-19-60;
1EB 57, f. 1-26-61;
1EB 68, f. 8-18-61, ef. 9-10-61;
1EB 118, f. 11-18-67, ef. 12-25-67;
Repealed by 1EB 131,
f. 5-19-72, ef. 6-1-72]

Standing Committees
581-10-085 [1EB 30, f. 1-19-60;
1EB 57, f. 1-26-61;
1EB 68, f. 8-18-61, ef. 9-10-61;

1EB 118, f. 11-18-67, ef. 12-25-67;
Repealed by 1EB 131,
f. 5-19-72, ef. 6-1-72]

Minutes

581-10-090 [1EB 30, f. 1-19-60;
1EB 57, f. 1-26-61;
1EB 68, f. 8-18-61, ef. 9-10-61;
1EB 118, f. 11-18-67, ef. 12-25-67;
Repealed by 1EB 131,
f. 5-19-72, ef. 6-1-72]

Mail Ballots

581-10-095 [1EB 30, f. 1-19-60;
1EB 57, f. 1-26-61;
1EB 68, f. 8-18-61, ef. 9-10-61;
1EB 118, f. 11-18-67, ef. 12-25-67;
Repealed by 1EB 131,
f. 5-19-72, ef. 6-1-72]

Procedure for Adoption of Rules and Regulations by State Board of Education. Education Policy and Procedures Manual

581-10-100 [1EB 30, f. 1-19-60;
1EB 57, f. 1-26-61;
1EB 68, f. 8-18-61, ef. 9-10-61;
1EB 118, f. 11-18-67, ef. 12-25-67;
Repealed by 1EB 131,
f. 5-19-72, ef. 6-1-72]

Minimum Standards and Definitions Pertaining to Objectives of Reorganization

581-10-200 (1) Definitions. The following definitions apply to the application of ORS 330.535 and 330-543 and this rule unless the context indicates otherwise.

(a) "Adversely Affect" means to cause any effect which diminishes educational opportunity for students;

(b) "Affected District" means a school district existing prior to reorganization which by the proposed reorganization will be significantly impacted, directly, or indirectly, in any one of the following areas:

(A) Utilization of facilities;
(B) Programs;
(C) Operational costs;
(D) Revenues;
(E) Assessed valuation per student;
(F) Levying authority;
(G) Tax rates.

(c) "Assets" means all property, both real and personal, owned by or accruing to a school district;

(d) "Average Operational Revenues Per Student" means revenues available for Net Operating Expenditures as defined in ORS 327.006 and computed according to OAR 581-23-041, divided by the district's Average Daily Membership as defined in ORS 327.006;

(e) "Committee" means the education service district board for the county in which the proposed school district is located. In any county where there is no education service district, "committee" means the governing body of the county. Where a proposed reorganization involves territory in two or more counties, a request for preparation of a reorganization plan shall initially be made to the committee for the county having the greatest number of affected students;

(f) "Contemplated Reorganization" means a reorganization plan:

(A) Which includes all or a portion of the area affected by the proposed reorganization; and

(B) Which the Committee has decided to develop, has underdevelopment, or has adopted but which has not yet been approved by the voters.

(g) "Curricular program" means the following instructional programs:

(A) Grades Kindergarten - 6 means art, health education, language arts, mathematics, music, physical education, science and social studies;

(B) Grades 7 - 8 means Fine and/or applied arts, health education, language arts, mathematics, physical education, science and social studies;

(C) Grades 9 - 12 means career development, global studies, government, health education, language arts, mathematics, personal finance and economics, physical education, science, U.S. history, and applied arts, fine arts or foreign language.

(h) "More Effectively Coordinated Programs" means a determination by the Committee and upon de novo review by the State Board of Education, that, considering the standards set forth in section (2) of this rule, the overall coordination of curricular and extracurricular programs within both the affected district(s) and the proposed district will be more effective as a result of reorganization;

(i) "More Efficient and Economical Administration" means a determination by the Committee and upon de novo review by the State Board of Education, that, considering the standards set forth in section (2) of this rule, the overall cost of providing public education to all students affected by the plan of reorganization will not increase as a result of reorganization;

(j) "School Facilities" means real and personal property, which shall include school buildings, administrative offices, warehouses, garages, buses, computers, audiovisual equipment and other property which may be owned or leased by the school district;

(k) "Significant Impact" means any impact that would diminish a district's ability to provide students such physical facilities, instructional materials, curricular programs and school personnel as may be required by federal law, state law, and administrative rules adopted by the State Board of Education;

(l) "Substantially Equal" means a standard indicating similarity to the extent that no deviation shall be allowed which would deprive any affected student of such physical facilities, instructional materials, curricular programs and school personnel as are required in order for a district to be deemed standard;

(m) "Superior" means a standard indicating qualitative or quantitative improvement over the existing programs.

(2) "Standards": The plan shall be deemed to provide for a satisfactory school district system pursuant to ORS 330.565 if it appears probable the proposed reorganization meets the requirements of ORS 330.090(4) and will achieve all of the objectives of reorganization described in ORS 330.543(1) and this rule. Such requirements of ORS 330.090(4) and the objectives of reorganization are subject to the following minimum standards:

(a) The proposed district shall offer a curricular program for kindergarten through grade twelve which shall:

(A) Meet all state standards for public schools; and

(B) Be substantially equal to or superior to the program which would be available in the affected district or districts in the absence of reorganization.

(b) Reorganization shall not adversely affect individual curricular programs in the affected district(s);

(c) The proposed district shall in a more cost effective manner, administer support services including counseling, health, food, maintenance and transportation than what would be provided in the absence of reorganization;

(d) Reorganization shall not adversely affect administration of support services within the affected district(s);

(e) The proposed district shall in a more cost effective manner administer the existing school facilities within the proposed district than what would be provided in the absence of reorganization;

(f) Reorganization shall not adversely affect the efficient and economical administration of existing school facilities in the affected districts;

(g) Utilization of existing school facilites and projected facilities in the proposed district shall:

(A) Conform with applicable federal, state and local laws and regulations relating to fire, health and safety;

(B) Provide appropriate facilities to assure handicapped students substantially equal or superior educational opportunties to those which would be provided in the absence of reorganization;

(C) Provide physical facilities to assure equal educational opportunity for both sexes.

(h) The proposed district shall provide coordination of curricular, extracurricular, athletic, and community programs and services superior to the coordination which would have existed in the absence of reorganization;

(i) Reorganization shall not adversely affect the coordination of curricular, extracurricular, athletic, and community programs within the affected district(s);

(j) Reorganization shall provide more efficient and economical administration with respect to social and economic community centers and with respect to natural geographic features within the proposed district(s) and affected district(s) as compared to what would be provided in the absence of reorganization;

(k) Reorganization shall provide integrated, nonsegregated education in the proposed and affected districts, which shall include programs to encourage and support affected children of all races and national origins to learn together and acquire the skills and attributes of citizenship;

(l) Any existing affirmative or remedial programs or services offered to students within the affected districts shall be substantially equal to those available to students within the affected districts as a result of reorganization;

(m) Reorganization shall not result in violation of ORS 659.150 or OAR 581-21-045;

(n) Reorganization shall not result in an increase in tax rates on taxable property in the proposed oraffected district(s) where such increase will have a significant impact on any affected district;

(o) Reorganization shall not result in an increase in assessed value per student in the proposed or affected district(s) where such increase will have a signifiant impact on any affected district;

(p) Reorganization shall not result in a reduction in assessed value per student where such reduction would have a significant impact on any affected district(s);

(q) Reorganization shall not result in a reduction in operational revenues per student where such reduction would have a significant impact on any affected district(s);

(r) In the case of a reorganization which results in a new district having an indebtedness or liability (whether or not immediately payable) which is more than 20 percent of the projected first year's operating budget of the new district, the new district shall not receive its share of assets and shall not operate until adequate provision has been made, as determined by the Committee and State Board of Education, for payment of such indebtedness or liability as it becomes due. Such provision may be in the form of a tax base or authorization for the issuance of bonds. The "indebtedness or liability" referred to in this subsection includes, but is not limited to prior debt service costs or funding of a retirement system established pursuant to ORS Chapter 239(TRFA);

(s) When the reorganization combines two or more districts into one district, the duties of administrators shall be reviewed, and, if necessary, redistributed, to obtain maximum operating efficiency within affected districts;

(t) When reorganization involves detachment from an existing district, administrative efficiency of the existing district shall not be adversely affected by the reorganization;

(u) If by reason of the application of ORS 330.660(1)(b) or otherwise, reorganization results in a district having an excess number of employes, then:

(A) The reduction in probationary and permanent teacher staff shall be governed by ORS 342.934 of the Fair Dismissal Law, except to the extent such may be in conflict with any valid and applicable provision of an individual or collective bargaining contract; and

(B) Reduction of other employes shall be governed by any applicable and valid individual or collective bargaining contract.

(v) If the provisions of ORS 330.660(1)(b) are inapplicable those employes who, immediately prior to the date on which the new district comes into existence, spent the majority of their on-duty time in the buildings assigned to the new district in the reorganization, shall become employes of the new district, effective ensuing July 1, unless their employment with the former district terminates prior to that date. Unless otherwise agreed by the new district and such employes or their respective collective bargaining representatives, their employment status as regards permanency (for instance, whether a permanent teacher, probationary teacher, temporaryemploye) shall be subject to the same rights, or lack thereof, as applied immediately prior to the date on which the new district came into existence. In such cases, unless agreed otherwise between the new district and said employes or their respective collective bargaining representatives, for a period of one year, the salary rates and employe benefits while employed shall remain unchanged. The provision does not refer to membership or receipt of benefits from a retirement system established under ORS Chapter 239(TRFA);

(w) As determined by legal descriptions and maps, reorganization shall not result in a noncontiguous district;

(x) Reorganization shall not result in a school district having fewer than 20 children, as determined by the most recent enrollment report to the Oregon Department of Education and projected enrollment for the two forthcoming years;

(y) Reorganization shall not affect any other contemplated reorganization.

Stat. Auth.: ORS Ch. 330

Stats. Implemented: ORS Statute Repealed

Hist: 1EB 9-1985, f. & ef. 2-5-85; 1EB 27-1986, f. & ef. 7-18-86

DIVISION 11

TEXTBOOK ADOPTION

[ED. NOTE: The following Administrative Orders relating to Textbook Adoption were previously adopted by the Department of Education: 1EB 42, filed 1-19-60; 1EB 53 and 54, filed 8-26-60; 1EB 84, 85 and 86, filed 6-13-62; 1EB 98, 99, 100 and 101, filed 7-13-62.]

Textbooks in Oregon Public Schools

581-11-005 [1EB 118, f. 11-28-67, ef. 12-25-67;
1EB 131, f. 5-19-72, ef. 6-1-72;
Repealed by 1EB 215,
f. 1-29-76, ef. 2-25-76]

List of Adopted Textbooks

581-11-010 [1EB 118, f. 11-28-67, ef. 12-25-67;
1EB 131, f. 5-19-72, ef. 6-1-72;
Repealed by 1EB 215,
f. 1-29-76, ef. 2-25-76]

Supplementary Books

581-11-015 [1EB 118, f. 11-28-67, ef. 12-25-67;
1EB 131, f. 5-19-72, ef. 6-1-72;
Repealed by 1EB 215,
f. 1-29-76, ef. 2-25-76]

Instructional Materials

581-11-020 [1EB 118, f. 11-28-67, ef. 12-25-67;
1EB 131, f. 5-19-72, ef. 6-1-72;
Repealed by 1EB 215,
f. 1-29-76, ef. 2-25-76]

Textbook Proposal Forms

581-11-025 [1EB 118, f. 11-28-67, ef. 12-25-67;
1EB 131, f. 5-19-72, ef. 6-1-72;
1EB 176(Temp),
f. 9-27-74 thru 10-28-74;
1EB 179, f. 10-28-74;
Repealed by 1EB 215,
f. 1-29-76, ef. 2-25-76]

Contract Forms

581-11-030 [1EB 118, f. 11-28-67, ef. 12-25-67;
1EB 131, f. 5-19-72, ef. 6-1-72;
1EB 176(Temp),
f. 9-27-74 thru 10-28-74;
1EB 179, f. 10-28-74;
Repealed by 1EB 215,
f. 1-29-76, ef. 2-25-76]

Independent Adoptions

581-11-035 [1EB 118, f. 11-28-67, ef. 12-25-67;
Repealed by 1EB 215,
f. 1-29-76, ef. 2-25-76]

Assessment of Evaluation Fees

581-11-040 [1EB 118, f. 11-28-67, ef. 12-25-67;
1EB 131, f. 5-19-72, ef. 6-1-72;
Repealed by 1EB 215,
f. 1-29-76, ef. 2-25-76]

Other Regulations

581-11-045 [1EB 118, f. 11-28-67, ef. 12-25-67;
1EB 131, f. 5-19-72, ef. 6-1-72;
Repealed by 1EB 215,
f. 1-29-76, ef. 2-25-76]

Definitions

581-11-050 (1) A basal textbook for purposes of Oregon textbook law is defined as any organized system which constitutes the major instructional vehicle for a given course of study.

(2) A major instructional vehicle may include such instructional items as a hardbound or a softbound book or books, or sets or kits of print and nonprint materials.

Stat. Auth.: ORS Ch. 337
Stats. Implemented: ORS 337.035
Hist.: 1EB 215, f. 1-29-76, ef. 2-25-76

Basal Instructional Materials

581-11-051 (1) Basal instructional materials for use in Oregon public school districts are adopted by the State Board of Education in accordance with the provisions of ORS 337.030 through 337.260 (as amended by Chapter 886, Oregon Laws 1991).

(2) Only basal instructional programs will be adopted by the State Board of Education.

Stat. Auth.: ORS 337.030, 337.035, 337.050, 337.060, 337.065, 337.075 & 337.260
Stats. Implemented: ORS 337.035
Hist.: 1EB 215, f. 1-29-76, ef. 2-25-76; EB 21-1992, f. & cert. ef. 6-23-92

Guidelines for the Selection of Instructional Materials Criteria Committees

581-11-055 (1) Instructional materials criteria committees shall be appointed by and work under the supervision of the Oregon Department of Education.

(2) A criteria committee in each subject area for which state adoptions are planned shall be appointed the year preceding a state adoption. The committee shall recommend categories and draft criteria to be used in evaluating the instructional materials submitted for basal consideration.

(3) Committees shall conduct committee work in time to present the final draft of the criteria to the State Board of Education by the Board's January meeting in the year of the adoption.

(4) Each committee shall be chaired by the Department of Education specialist in the particular subject area for which criteria are being developed. In the event that there is not a staff specialist in a particular subject field, the Department shall obtain a specialist to serve as chair.

(5) Each committee shall include no less than five members selected from among Oregon classroom teachers, curriculum specialists, and others having experience and expertise in the subject area under consideration.

(6) Travel, lodging, and meal expenses for committee meetings are to be reimbursed from the State Instructional Materials Services budget.

Stat. Auth.: ORS Ch. 337
Stats. Implemented: ORS 337.035
Hist.: 1EB 215, f. 1-29-76, ef. 2-25-76; 1EB 245, f. & ef. 9-23-76; EB 1-1992, f. & cert. ef. 2-21-92; EB 5-1996, f. & cert. ef. 3-29-96

Guidelines for Criteria Development by Committees

581-11-060 Criteria committees shall develop criteria which provide assistance for judgmental determination by evaluation committees and the State Board of Education. These criteria shall include, but not be limited to, the major concepts of the common curriculum goals established by the State Board of Education for Oregon schools; the criteria shall require instructional materials to provide fair treatment of all people and reflect our multicultural society.

Stat. Auth.: ORS Ch. 337
Stats. Implemented: ORS 337.035
Hist.: 1EB 215, f. 1-29-76, ef. 2-25-76; 1EB 245, f. & ef. 9-23-76; EB 1-1992, f. & cert. ef. 2-21-92

Approval of Criteria for Evaluation of Instructional Materials

581-11-065 (1) Criteria Committees, under the direction of the Department of Education staff, shall develop criteria to be submitted to the State Board of Education in the fall of the year preceding the adoption year.

(2) The State Board of Education shall review the criteria which will be used in the evaluation of basal instructional materials submitted for adoption. The Board will adopt the criteria no later than its January meeting in the adoption year.

Stat. Auth.: ORS 337.030, 337.035, 337.060, 337.065, 337.075 & 337.260
Stats. Implemented: ORS 337.035
Hist.: 1EB 215, f. 1-29-76, ef. 2-25-76; 1EB 245, f. & ef. 9-23-76; EB 21-1992, f. & cert. ef. 6-23-92; EB 5-1996, f. & cert. ef. 3-29-96

Appointment of Committees to Evaluate Instructional Materials for State Adoption

581-11-066 (1) ORS 337.050 requires the State Board of Education to adopt a list of textbooks and instructional materials for each grade and subject field in the standard curriculum for which, in its judgment, such materials are required.

(2) The Board, therefore, directs that educators who are knowledgeable of the grade level and subject area of materials to be reviewed be appointed to committees to evaluate instructional materials submitted by publishers, and delegates to the Superintendent of Public Instruction the responsibility for appointment of such committees. No fewer than three-fourths of the membership of each committee shall be comprised of classroom teachers currently employed in Oregon public schools.

(3) The committee membership should reflect the size and geographic diversity of school districts throughout Oregon as well as the racial and ethnic diversity of Oregon students and teachers. The committee members shall be chosen from a pool of names solicited from local districts, educational service districts, and other interested organizations including appropriate subject matter professional organizations.

(4) The committees shall determine the degree to which the submitted materials meet the Board's criteria as adopted under OAR 581-11-065. Based on the scores received, the Department of Education will present to the Board a recommended list of basal instructional materials for adoption.

(5) The rosters of committee appointees will be available from the Office of the State Instructional Materials Services of the Department of Education.

Stat. Auth.: ORS 337.050
Stats. Implemented: ORS 337.035
Hist.: EB 5-1993, f. & cert. ef. 2-11-93; EB 5-1996, f. & cert. ef. 3-29-96

Compensation for Evaluators of Submitted Instructional Materials

581-11-067 (1) OAR 581-11-066 provides for appointment of committees whose task is to evaluate submitted basal instructional materials.

(2) Committee members are to receive meal and travel (and lodging where appropriate) reimbursement at state rates for expenses incurred in attending evaluation sessions at the state level.

(3) In addition, an honorarium is to be given each participant who completes all the duties assigned including attending the training sessions, attending the presentations, working on the evaluations, completing the criteria checklists and comment sheets, and participating in any assigned committee meetings for drafting annotations for the adopted list or selecting the list of materials to be recommended to the Board. The honorarium is to be determined based on current Department of Education fees paid for similar tasks.

Stat. Auth.: ORS 337.050
Stats. Implemented: ORS 337.035
Hist.: EB 16-1993, f. & cert. ef. 4-30-93; EB 5-1996, f. & cert. ef. 3-29-96

State Board of Education Ratification or Rejection of Textbooks

581-11-070 (1) The State Board of Education shall adopt instructional materials by rule at its October meeting each year.

(2) The adoption period consists of the six-year period following adoption of a textbook list by the State Board of Education in accordance with the provisions of ORS 337.050. At any time within a given adoption period, the State Board may consider for selection instructional materials not offered by publishing companies at the time of the original selection and adoption. State Board adoption of such materials shall be known as interim adoption.

Stat. Auth.: ORS Chapter 337
Stats. Implemented: ORS 337.035, 337.050 & 337.055
Hist.: 1EB 215, f. 1-29-76, ef. 2-25-76; 1EB 245, f. & ef. 9-23-76; EB 5-1996, f. & cert. ef. 3-29-96

Instructional Materials Adopted by the State Board of Education

581-11-071 The State Board of Education hereby adopts by reference basal instructional materials for middle school and high school health and science. The materials are adopted in the following subjects and categories for the adoption cycle beginning July 1, 1995, and ending June 30, 2001:

(1) Health:
(a) Health — Grades 6 - 8;
(b) Health — Grades 9 - 10.
(2) Science:
(a) Integrated Science — Grades 6 - 8;
(b) Integrated Science — Grades 9 - 10;

[Publications: The publication(s) referred to or incorporated by reference in this rule are available from the State Instructional Materials Services, Department of Education, Salem, Oregon.]

Stat. Auth.: ORS Ch. 337
Stats. Implemented: ORS 337.050
Hist.: 1EB 1-1983, f. 2-14-83, ef. 2-15-83; 1EB 6-1983, f. 5-10-83, ef. 5-11-83; 1EB 12-1983, f. & ef. 11-3-83; 1EB 1-1984, f. & ef. 1-20-84; 1EB 9-1984, f. & ef. 4-13-84; EB 1-1989, f. & cert. ef. 1-23-89; EB 14-1989, f. & cert. ef. 4-19-89; ED 1-1990, f. & cert. ef. 1-19-90; EB 14-1994, f. & cert. ef. 10-3-94; EB 17-1994, f. & cert. ef. 12-15-94

Textbooks Selected by the State Textbook Commission and Ratified by the State Board of Education

581-11-072 The State Board of Education hereby ratifies and adopts by reference textbook selections of the State Textbook Commission in the following subjects and categories for the adoption cycle beginning July 1, 1991, and ending June 30, 1997.

(1) Art Education: Art Education — Grades K - 6 (November 1990 selection ratified January 1991).

(2) Business Education:

(a) Office Procedures (November 1990 selection ratified January 1991);

(b) Keyboarding/Typewriting (November 1990 selection ratified January 1991);

(c) Vocational Shorthand (November 1990 selection ratified January 1991);

(d) Business Information Processing (November 1990 selection ratified January 1991);

(e) Word Processing (November 1990 selection ratified January 1991);

(f) Recordkeeping/Bookkeeping (November 1990 selection ratified January 1991);

(g) Accounting (November 1990 selection ratified January 1991);

(h) Communications and Technology (November 1990 selection ratified January 1991);

(i) Business Law (November 1990 selection ratified January 1991).

(3) Comprehensive Marketing Education: Comprehensive Marketing Education (November 1990 selection ratified January 1991).

(4) Music Education: Music Education — Grades K - 6 (November 1990 selection ratified January 1991).

(5) Social Studies:

(a) Social Studies — Grades K - 2 (November 1990 selection ratified January 1991);

(b) Social Studies Grades 3 - 6 (November 1990 selection ratified January 1991);

(c) World Geography — Grades 6 - 8 (November 1990 selection ratified January 1991);

(d) World Geography — Grades 9 - 12 (November 1990 selection ratified January 1991);

(e) World History — Grades 6 - 8 (November 1990 selection ratified January 1991);

(f) World History — Grades 9 - 12 (November 1990 selection ratified January 1991);

(g) U.S. History — Grades 6 - 8 (November 1990 selection ratified January 1991);

(h) U.S. History — Grades 9 - 12 (November 1990 selection ratified January 1991);

(i) Government — Grades 9 - 12 (November 1990 selection ratified January 1991);

(j) Economics — Grades 9 - 12 (November 1990 selection ratified January 1991).

[Publications: The publication(s) referred to or incorporated by reference in this rule are available from the State Textbook Commission, Department of Education, Salem, Oregon.]

Stat. Auth.: ORS 337.055
Stats. Implemented: ORS 337.050
Hist.: 1EB 6-1985, f. 1-30-85, ef. 1-31-85; 1EB 13-1985, f. 6-17-85, ef. 7-1-85; 1EB 11-1986, f. 3-21-86, ef. 3-24-86; 1EB 14-1986, f. 4-25-86, ef. 4-28-86; 1EB 19-1986, f. 5-20-86, ef. 5-23-86; EB 1-1991, f. & cert. ef. 1-24-91

Instructional Materials Adopted by the State Board of Education

581-11-073 (1) The State Board of Education hereby adopts by reference basal instructional materials on the official list of language arts publications. The recommended materials are adopted in the following categories for the adoption cycle beginning July 1, 1994, and ending June 30, 2000: Language Arts:

(2) Language Arts:

(a) Integrated Reading/Writing — Grades K - 5;

(b) Handwriting — Grades 1 - 4;

(c) Literature — Grades 6 - 8;

(d) Literature — Grades 9 - 10;

(e) American Literature — High School;

(f) Written Composition — Grades 6 - 8;

(g) Written Composition — Grades 9 - 10.

[Publications: The publication(s) referred to or incorporated by reference in this rule are available from the State Instructional Materials Services, Department of Education, Salem, Oregon.]

Stat. Auth.: ORS 337.050
Stats. Implemented: ORS 337.050
Hist.: EB 2-1987, f. & ef. 2-5-87; EB 6-1987, f. & ef. 4-6-87; EB 1-1988, f. & cert. ef. 1-12-88; EB 27-1993, f. & cert. ef. 9-29-93

Instructional Materials Adopted by the State Board of Education

581-011-0074 The State Board of Education hereby adopts by reference basal instructional materials for elementary school health and science and elementary school, middle school, and high school mathematics, "State Adopted Instructional Materials, 1996-2002" dated January 19, 1996. The materials are adopted in the following subjects and categories for the adoption cycle beginning July 1, 1996, and ending June 30, 2002.

(1) Health: Health - Grades 3 - 5.

(2) Science: Science - Grades 3 - 5.

(3) Mathematics:

(a) Mathematics - Grades K - 5;

(b) Mathematics - Grades 6 - 8;

(c) Mathematics - Grades 8 - 10.

(4) Integrated Health, Math and Science: Integrated Health, Math and Science - Grades K-5.

[Publications: The publication incorporated by reference in this rule is available from the State Instructional Materials Services, Department of Education, Salem, Oregon.]

Stat. Auth.: ORS 337.050
Stats. Implemented: ORS 337.050
Hist.: EB 25-1995, f. & cert. ef. 11-6-96; EB 1-1996, f. & cert. ef. 1-29-96

Proposal (BID) Forms

581-11-075 (1) Instructional materials proposals submitted by publishers must be on forms supplied by the Department of Education. A separate continuation sheet must be used for each subject category on which a proposal is submitted. Proposal forms will be provided by the State Instructional Materials Services, Department of Education, Salem, Oregon. Samples submitted and specifications set forth in the proposals shall conform exactly with the instructional materials which the company will be able to deliver.

(2) The continuation sheets shall specify the subject, category, and company name and shall list the author and exact title of each item of instructional material (including series title, if any), grade level, date of copyrights and prices. Each continuation sheet shall also contain the following explanation of terms which are considered a part of the proposal:

(a) The wholesale price at depository is the price at which the instructional materials will be furnished to the State Board of Education and to school districts at the wholesale depository, or wholesale depositories, maintained in the state;

(b) The retail price (list price) is the price at which the instructional materials will be furnished to the general public;

(c) The wholesale price at publishers is the price at which the instructional materials will be furnished to the State Board of Education and to school districts f.o.b. at the place of publication;

(d) On both the proposal and contract the wholesale at publisher price and the wholesale at depository price shall be the same thus requiring the publisher to pay the freight to transport the contracted materials to the Oregon depository.

(3) The bid forms shall contain such other information and requirements as the Department of Education determines are necessary.

Stat. Auth.: ORS 337.030, 337.035, 337.060, 337.065, 337.075 & 337.260
Stats. Implemented: ORS 337.060
Hist.: 1EB 215, f. 1-19-76, ef. 2-25-76; 1EB 245, f. & ef. 9-23-76; EB 21-1992, f. & cert. ef. 6-23-92

Contract Forms

581-11-080 The contract entered into by the State Board of Education with publishers whose instructional materials have been adopted by the State Board of Education shall be on a form furnished by the State Instructional Materials Services of the Department of Education. The contract shall require the publisher to maintain at least one depository to be designated by the Board, where such instructional materials may be purchased, and to furnish such instructional materials according to law and the conditions named in the proposal. The contract shall contain such other information and requirements as the Department of Education determines are necessary.

Stat. Auth.: ORS 337.030, 337.035, 337.060, 337.065, 337.075 & 337.260
Stats. Implemented: ORS 337.090
Hist.: 1EB 215, f. 1-29-76, ef. 2-25-76; 1EB 245, f. & ef. 9-23-76; 1EB 2-1978, f. & ef. 1-20-78; 1EB 1-1984, f. & ef. 1-20-84; EB 21-1992, f. & cert. ef. 6-23-92

Independent Adoptions

581-11-085 (1) Upon prior notice to the State Board of Education (Board), the district school board of any school district may independently adopt instructional materials for basal use in place of or in addition to those adopted by the Board, provided they meet the guidelines and criteria established by the Board. Such district adoptions shall be known as independent adoptions.

(2) The Board delegates to the State Superintendent of Public Instruction the authority to receive from the school districts their notifications of independent adoptions of basal instructional materials.

(3) In order to give proper notification that an independent adoption is being made, the administrative head of the district must send to the State Superintendent of Public Instruction, prior to placing the instructional materials into use in the local schools, a notification, approved by the local school board. The notification shall include the following information:

(a) The subject, category, and grade level(s) in which the instructional materials will be used;

(b) The title of the instructional materials;

(c) The publisher of the instructional materials;

(d) The copyright date of the instructional materials;

(e) The date on which the local school board approved the independent adoption;

(f) The date on which the district intends to install the instructional materials for use in the school system; and

(g) A statement that a completed criteria checklist showing the degree to which the instructional materials meet the criteria established by the State Board of Education is on file in the district office. (Criteria checklists for the specific subject/category are available from the State Instructional Materials Services, Department of Education, Salem, Oregon.)

(4) Independent adoptions are valid only for the period ending with the close of the current state adoption period for the subject area identified.

Stat. Auth.: ORS 337.050(2) & 337.141
Stats. Implemented: ORS 337.141
Hist.: 1EB 215, f. 1-29-76, ef. 2-25-76; 1EB 245, f. & ef. 9-23-76; 1EB 19-1982, f. & ef. 11-23-82; EB 2-1991, f. & cert. ef. 2-28-91; EB 21-1991(Temp), f. 10-30-91, cert. ef. 11-1-91; EB 30-1991, f. & cert. ef. 12-18-91

[**ED. NOTE:** The text of Temporary Rules is not printed in the Oregon Administrative Rules Compilation. Copies may be obtained from the adopting agency or the Secretary of State.]

Substitutions of New Editions of State-Adopted Instructional Materials

581-11-086 (1) The State Board of Education may approve the request of a publisher to substitute a more recent edition of any officially adopted textbook or item of instructional material in addition to of the edition or item adopted by the board.

(2) In order to meet the qualifications for approval, a new edition of a state-adopted text must:

(a) Be submitted by the publisher to the State Superintendent of Public Instruction, Department of Education, with a letter of request indicating the category of the adopted edition, title, author, copyright date of substitution edition, and copyright date of adopted edition. The publisher must state that the text will be supplied to Oregon

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schools at the contract price of the originally adopted edition. A list of the nature of the changes between the two editions must be enclosed with the letter.

(b) Be supplied in addition to, rather than in place of, the adopted edition. School districts cannot be required to use a substituted edition of a state-adopted text; both editions must be available for distribution in the state. However, in the event the substitution contains only minor copyright revisions, the board may determine that it is not necessary for the originally adopted edition to be available for distribution.

(c) Be compatible with the previous edition in pagination, illustrations, content, etc., to the degree that the texts may be easily used interchangeably in the classroom.

Stat. Auth.: ORS 337.050(2) & 337.141
Stats. Implemented: ORS 337.050
Hist.: EB 30-1991, f. & cert. ef. 12-18-91; EB 5-1996, f. & cert. ef. 3-29-96

Assessment of Submission Fees

581-11-090 The following provisions shall govern the payment and collection of submission fees required of publishers who submit instructional materials for adoption. These rules are established pursuant to ORS 337.065.

(1) The fee, the retail price or $50 whichever is greater, will be levied for each title or item of instructional material which is submitted by the publisher for review and possible adoption by the State Board of Education. An "item of instructional material" as used in this subsection is a component, set or kit of instructional materials packaged and sold as a unit. The publisher will indicate on the submission forms and the official proposal forms furnished by the State Instructional Materials Services only the item(s) proposed for adoption.

(2) No fee will be required for teacher's editions of instructional materials which contain the same textual material as students' content for teacher use even though they may be evaluated in conjunction with the basic instructional program to support its strength. However, in those instances in which a teacher's guide in itself constitutes the basic program, the fee will be charged.

(3) An item of instructional material which is submitted in multiple forms (e.g., hardback, softback, electronic, loose-leaf or broken into several parts which are produced as separate units--unless these parts are submitted for adoption at separate grade levels) which contain the same content and are evaluated essentially as one item will be assessed only one fee for the most costly format. If the materials are submitted as a set or kit for a continuous sequence of grades, a separate fee will be charged for each grade encompassed. If an item of instructional material is submitted in more than one category, a separate submission form and official proposal form must be completed for each category. A separate fee will be assessed for each category.

(4) Official forms for submission of instructional materials by publishing companies for consideration for adoption shall carry instructions and provide columns for entering the retail price and the fee to be paid for each item. Such fees will be checked for accuracy by the staff of the State Instructional Materials Services on receipt of the forms, and the company will be billed for the amount due. The publisher's materials are approved for evaluation for adoption upon receipt of the correct fee. No fees will be refunded once the evaluation has been completed except in cases of fees miscalculation.

Stat. Auth.: ORS 337.030, 337.035, 337.060, 337.065, 337.075 & 337.260
Stats. Implemented: ORS 337.065
Hist.: 1EB 215, f. 1-29-76, ef. 2-25-76; 1EB 245, f. & ef. 9-23-76; EB 21-1992, f. & cert. ef. 6-23-92; EB 5-1996, f. & cert. ef. 3-29-96

Submission of Instructional Materials

581-11-095 The following rules are in effect between publishers and their representatives and members of the State Board of Education:

(1) No materials may be considered by the Board unless delivered at least 60 days prior to the adoption date.

(2) All publishers are required to prepare briefs which include documentation and analysis on their submitted instructional materials showing how they conform to the criteria adopted by the State Board of Education for the review and selection of instructional materials. Forms for preparing such briefs are available from the State Instructional Materials Services, Department of Education. Completed briefs must be submitted to appropriate evaluation committee members and Department of Education staff as directed by the State Instructional Materials Services.

Stat. Auth.: ORS 337.030, 337.035, 337.060, 337.065, 337.075 & 337.260
Stats. Implemented: ORS 337.065
Hist.: 1EB 215, f. 1-29-76, ef. 2-25-76; 1EB 245, f. & ef. 9-23-76; EB 21-1992, f. & cert. ef. 6-23-92

General Criteria for All Textbooks, 1978

581-11-099 [1EB 3-1978, f. & ef. 1-20-78;
Repealed by 1EB 1-1984,
f. & ef. 1-20-84]

Business Education Textbooks and Instructional Materials

581-11-100 [1EB 214, f. 1-29-76, ef. 2-25-76;
1EB 245, f. & ef. 9-23-76;
Repealed by 1EB 3-1982,
f. & ef. 1-26-82]

Driver Education Textbooks and Instructional Materials

581-11-101 [1EB 214, f. 1-29-76, ef. 2-25-76;
1EB 245, f. & ef. 9-23-76;
Repealed by 1EB 3-1982,
f. & ef. 1-26-82]

Foreign Language Textbooks and Instructional Materials — Grades 7-12

581-11-102 [1EB 214, f. 1-29-76, ef. 2-25-76;
1EB 245, f. & ef. 9-23-76;
Repealed by 1EB 3-1982,
f. & ef. 1-26-82]

Health Education Textbooks and Instructional Materials — Grades K-12

581-11-103 [1EB 214, f. 1-29-76, ef. 2-25-76;

1EB 245, f. & ef. 9-23-76;
Repealed by 1EB 3-1982,
f. & ef. 1-26-82]

Mathematics Textbooks and Instructional Materials — Grades K-12

581-11-104 [1EB 214, f. 1-29-76, ef. 2-25-76;
Repealed by 1EB 3-1982,
f. & ef. 1-26-82]

Science Instructional Materials — Grades K -12

581-11-105 [1EB 214, f. 1-29-76, ef. 2-25-76;
1EB 245, f. & ef. 9-23-76;
Repealed by 1EB 3-1982,
f. & ef. 1-26-82]

General Criteria for all Homemaking, Music, Social Studies, and Language Arts Textbooks

581-11-106 [1EB 229, f. & ef. 6-4-76;
Repealed by 1EB 4-1980,
f. & ef. 2-12-80]

Criteria for the Selection and Adoption of Home Economics Textbooks, 1978

581-11-107 [1EB 3-1978, f. & ef. 1-20-78;
Repealed by 1EB 1-1984,
f. & ef. 1-20-84]

Criteria for the Selection and Adoption of Music Textbooks, 1978

581-11-108 [1EB 3-1978, f. & ef. 1-20-78;
Repealed by 1EB 1-1984,
f. & ef. 1-20-84]

Criteria for the Selection and Adoption of Social Studies Textbooks, 1978

581-11-109 [1EB 3-1978, f. & ef. 1-20-78;
Repealed by 1EB 1-1984,
f. & ef. 1-20-84]

Guidelines for the Selection and Rating of All Subject Area Textbooks, 1978

581-11-112 [1EB 3-1978, f. & ef. 1-20-78;
1EB 7-1978, f. & ef. 3-3-78;
Repealed by 1EB 1-1984,
f. & ef. 1-20-84]

General Criteria Checklist for All Textbooks

581-11-115 [1EB 3-1980, f. & ef. 2-12-80;
Repealed by 1EB 1-1986,
f. 1-7-86, ef. 1-8-86]

Specific Content Criteria for the Selection and Adoption of Kindergarten and Language Arts Textbooks

581-11-116 [1EB 4-1980, f. & ef. 2-12-80;
Repealed by 1EB 1-1986,
f. 1-7-86, ef. 1-8-86]

Criteria for the Selection and Adoption of Instructional Materials

581-11-117 (1) The State Board of Education adopts by reference the **1996-2003 Criteria for the Selection and Adoption of Basal Instructional Materials** for the following:

(a) Elementary Second Languages--Grades K-5 in Spanish, French, German, Japanese and American Sign Language;

(b) First and Second Year Secondary Second Language Programs--Grades 6-12 in Spanish, French, German, Japanese and American Sign Language;

(c) Third Year Secondary Second Language Programs--Grades 6-12 in Spanish, French, German, Japanese and American Sign Language.

(2) The State Board of Education adopts by reference the 1995-2001 Criteria for the Adoption of Basal Instructional Materials for the following:

(a) Health--Grades 6-8;
(b) Health--High School;
(c) Integrated Science--Grades 6-8;
(d) Integrated Science--High School.

(3) The State Board of Education adopts by reference the 1996-2002 Criteria for the Adoption of Basal Instructional Materials for the following:

(a) Mathematics--Grades K-5;
(b) Mathematics--Grades 6-10;
(c) Mathematics--Grades 8-10;
(d) Health--Grades 3-5;
(e) Science--Grades 3-5;
(f) Integrated Mathematics, Science, and Health--Grades K-5.

[**Publications**: The publication(s) referred to or incorporated by reference in this rule are available from the State Instructional Materials Services, Department of Education, Salem, Oregon.]

Stat. Auth.: ORS 337.035
Stats. Implemented: ORS 337.035
Hist.: 1EB 3-1982, f. & ef. 1-26-82; EB 31-1987, f. & ef. 12-10-87; EB 1-1994, f. & cert. ef. 2-4-94; EB 3-1995, f. & cert. ef. 1-24-95; EB 1-1996, f. & cert. ef. 1-29-96

1990 Criteria for Selection and Adoption of Textbooks

581-11-118 The State Board of Education adopts by reference the **1990 Criteria for the Selection and Adoption of Textbooks** for the following:

(1) Art Education — Grades K - 6;

(2) Business Education — Office Procedures, Keyboarding/Typewriting, Vocational Shorthand, Business Information Processing, Word Processing, Recordkeeping/Bookkeeping, Accounting, Communications and Technology, Business Law;

(3) Marketing Education — Comprehensive Marketing Education;

(4) Driver Education — Driver Education;

(5) Music Education — Music Education — Grades K - 6;

(6) Social Studies — Social Studies — Grades K - 2, Social Studies — Grades 3 - 6, World Geography — Grades 6 - 8, World Geography — Grades 9 - 12, World History — Grades 6 - 8, World History — Grades 9 - 12, U.S. History — Grades 6 - 8, U.S. History — Grades 9 - 12, Government — Grades 9 - 12; Economics — Grades 9 - 12, Oregon/Pacific Northwest, Pacific Rim Studies.

[**Publications:** The publication(s) referred to or incorporated by reference in this rule are available from the State Textbook Commission, Department of Education, Salem, Oregon.]

Stat. Auth.: ORS Ch. 337
Stats. Implemented: ORS 337.035
Hist.: 1EB 1-1984, f. & ef. 1-20-84; EB 34-1989, f. & cert. ef. 12-20-89

1993 Criteria for Adoption of Basal Instructional Materials

581-11-119 (1) The State Board of Education adopts by reference the **1993 Criteria for the Adoption of Basal Instructional Materials for Language Arts** for the following:

(a) Integrated Reading/Writing — 1 - 4;
(b) Handwriting — Grades 1 - 4;
(c) Literature — Grades 6 - 8;
(d) Literature — Grades 9 - 10;
(e) American Literature — High School;
(f) Written Composition — Grades 6 - 8;
(g) Written Composition — Grades 9 - 10.

(2) Publications: The publication(s) referred to or incorporated by reference in this rule are available from the State Instructional Materials Services, Oregon Department of Education, Salem, Oregon.

[Publications: The publication(s) referred to or incorporated by reference in this rule are available from the State Textbook Commission, Department of Education, Salem, Oregon.]

Stat. Auth.: ORS 337.035
Stats. Implemented: ORS 337.035
Hist.: 1EB 1-1986, f. 1-7-86, ef. 1-8-86; EB 1-1993, f. & cert. ef. 1-13-93

DIVISION 15

SPECIAL EDUCATION

[ED. NOTE: The following Administrative Orders relating to Special Education were previously adopted by the Department of Education: 1EB 3, filed 3-30-59; 1EB 22 and 23, filed 1-19-60.]

Definitions

581-15-005 The following definitions apply to Oregon Administrative Rules 581-15-015 through 581-015-0296, unless the context requires otherwise:

(1) "Consent" means that:

(a) The parent has been fully informed of all information relevant to the activity for which consent is sought, in the parent's native language or other mode of communication;

(b) The parent understands and agrees in writing to the carrying out of the activity for which consent is sought, and the consent describes the activity and lists the records (if any) which will be released and to whom; and

(c) The parent understands that the granting of consent is voluntary on the part of the parent and may be revoked at any time.

(2) "Decision" means the decision of the hearings officer which shall be final, unless appealed to a state or federal court of competent jurisdiction.

(3) "Determination" means the determination by the school district concerning the identification, preplacement or other evaluation, individualized education program or placement of a child with a disability in a program paid for by the district.

(4) "Evaluation" means procedures used to ascertain the aptitude and achievement of the child, as well as to determine whether the child is disabled, and the nature and extent of the special education that the child needs. The term refers to procedures used selectively with the individual child and does not include basic tests administered to or procedures used with all children in school, grade, or class.

(5) "Children with disabilities" means children who require special education because of mental, physical, emotional or learning problems, including, the following categories: mental retardation; hearing impairments, including hard of hearing and deafness; deaf/blind; communication disorders; visual impairments; serious emotional disturbances; orthopedic or other health impairments; autism; traumatic brain injury; and specific learning disabilities.

(a) "Autism" means a developmental disability typically affecting the processing, integrating, and organizing of information that significantly impacts communication, social interaction, functional skills, and educational performance. Essential features, generally appearing during the first three years, may include:

(A) Inconsistencies or discrepancies in the development of physical, language, social, or cognitive skills;

(B) Unusual responses to sensory information;

(C) Impaired verbal/nonverbal language or social communication; and

(D) Impaired ability to relate to people or the environment. The term does not apply if a child's educational performance is adversely affected primarily because the child has a serious emotional disturbance. However, a child who qualifies for special education under the category of autism may also have a serious emotional disturbance as a secondary disability if the child meets the criteria under serious emotional disturbance.

(b) "Communication disorder" means the impairment of speech articulation, voice, fluency, or the impairment or deviant development of language comprehension and/or expression, or the impairment of the use of a spoken or other symbol system that adversely affects educational performance. The language impairment may be manifested by one or more of the following components of language: morphology, syntax, semantics, phonology, and pragmatics;

(c) "Deafness" means a hearing impairment which is so severe that the child's hearing, with amplified sound, is nonfunctional for the purposes of educational performance;

(d) "Deaf-blind" means having both hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational problems that the child cannot be accommodated in special education programs designed solely for students having hearing or visual impairments;

(e) "Hard of hearing" means a hearing condition, which is functional with or without amplified sound, and adversely affects a child's educational performance;

(f) "Mental retardation" means significantly subaverage general intellectual functioning, and includes a student whose intelligence test score is two or more standard deviations below the norm on a standardized individual intelligence test, existing concurrently with deficits in adaptive behavior and manifested during the developmental period;

(g) "Orthopedic impairment" means a motor disability caused by an anomaly, disease or impairment by other conditions (e.g., cerebral palsy, spina bifida, muscular dystrophy or traumatic injury) where the child requires specialized and integrated services in order to benefit from an educational program;

(h) "Other health impairment" means limited strength, vitality, or alertness, due to chronic or acute health problems such as a heart condition, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell anemia, hemophilia, epilepsy, lead poisoning, leukemia, or diabetes, which adversely affect a child's educational performance;

(i) "Serious emotional disturbance" means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree that adversely affects a child's educational performance:

(A) An inability to learn that cannot be explained by intellectual, sensory, or health factors;

(B) An inability to build or maintain satisfactory interpersonal relationships with peers and teachers;

(C) Inappropriate types of behavior or feelings under normal circumstances;

(D) A general pervasive mood of unhappiness or depression; or

(E) A tendency to develop physical symptoms or fears associated with personal or school problems.

(F) The term includes schizophrenia but does not apply to children who are socially maladjusted, unless it is determined that they have a serious emotional disturbance;

(j) "Specific learning disability" means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in an imperfect ability to listen, think, speak, read, write, spell or do mathematical calculations. Children with a specific learning disability are unable to profit from regular classroom methods and materials without special educational help, and are, or will become, extreme underachievers. These deficits may be exhibited in mild to severe difficulties with perception (the ability to attach meaning to sensory stimuli), conceptualization, language, memory, motor skills, or control of attention. Specific learning disability includes such conditions as perceptual disabilities, brain injury, dyslexia, minimal brain dysfunction, and developmental aphasia. The term does not include children who have learning problems which are primarily the result of visual, hearing, or motor disabilities, mental retardation, emotional disturbance, or environmental, cultural, or economic disadvantage;

(k) "Traumatic brain injury" means an acquired injury to the brain caused by an external physical force resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects a child's educational performance. The term includes open or closed head injuries resulting in impairments in one or more areas, including cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem-solving; sensory, perceptual, and motor abilities; psychosocial behavior; physical functions; information processing; and speech. The term does not include brain injuries that are congenital or degenerative, or brain injuries induced by birth trauma;

(l) "Visual impairment" means a visual impairment which, even with correction, adversely affects a child's educational performance. The term includes those children who are partially sighted or blind.

(6) "Health assessment statement" means a written statement issued by a nurse practitioner licensed by a State Board of Nursing specially certified as a nurse practitioner, or by a physician assistant licensed by a State Board of Medical Examiners. Both a nurse practitioner and a physician assistant shall be practicing within his or her area of specialty.

(7) "Independent educational evaluation"means an evaluation that is not conducted by the public agency responsible for the education of the child in question.

(8) "Independent educational evaluator" is a certified or licensed professional examiner who is not a regular employee of the public agency responsible for the education of the child in question.

(9) "Individualized education program" means an educational plan which is developed and implemented under OAR 581-15-064 through 581-15-069 for each child with a disability.

(10) "Individual having educational knowledge of the child" means the child's teacher, counselor or other person employed by the school district or other agency involved in the education or care of the child who, by professional training or skill and by acquaintance with the child is in a position to make a professional judgment concerning the child's need for special education.

(11) "Medical statement" means a written statement issued by a physician licensed by a State Board of Medical Examiners.

(12) "Native language" with reference to a person of limited English-speaking ability means the language normally used by that person or, in the case of a child, the language normally used by the parent of the child.

(13) "Order" has the meaning given in ORS 183.310 to 183.500.

(14) "Parent"means the parent, person acting as a parent, or legal guardian, other than a state agency, of the child or the surrogate parent.

(15) "Participating agency" means a state or local agency, other than the school district responsible for a student's education, that is financially and legally responsible for providing transition services to the student.

(16) "Personally identifiable" means information that includes:

(a) The name of the child, the child's parent or other family member;

(b) The address of the child;

(c) A personal identifier, such as the child's social security number or student number; and

(d) A list of personal characteristics or other information which would make it possible to identify the child with reasonable certainty.

(17) "Placement" means educational placement, not social service placement, by a state agency.

(18) "Private school" means an educational institution or agency not operated by a public agency. A private school may be approved as a contractor with public agencies for certain early intervention or special education programs as described in OARs 581-15-126 and 581-15-131.

(19) "Regular school year" means the time in which pupils are normally enrolled in an annual period exclusive of any distinct extra or special session, such as separate summer sessions.

(20) "Related services" includes transportation and such developmental, corrective and other supportive services (including speech pathology and audiology, psychological services, physical and occupational therapy, special equipment, reader service, volunteer services to enhance special educational programs, recreation, counseling services, including rehabilitation counseling services, social work services in schools, parent counseling and training, school health services and medical services) as are required to assist a child with a disability to benefit from special education, and includes early identification and assessment of disabling conditions in children. Medical services shall be for diagnostic and evaluation purposes only.

(21) "School district," as used in ORS 343.153, means a common or union high school district, an education service district or a state agency or institution that is charged with the duty or contracted with by a public agency to care for or educate, or both, children apparently eligible for special education.

(22) "Special education" means specially designed instruction to meet the unique needs of a

child with a disability, including regular classroom instruction, instruction in physical education, home instruction, and instruction in hospitals, institutions, special schools, and other settings.

(23) "Superintendent" means the State Superintendent of Public Instruction or the designee of the State Superintendent of Public Instruction.

(24) "Surrogate parent" means an individual who acts in place of a parent in safeguarding a child's rights in the special education decision-making process when the parent cannot be identified or located after reasonable efforts or when there is reasonable cause to believe that the child has a disability and is a ward of the state.

(25) "Substitute care provider" means a private agency as defined in ORS 418.205(1).

(26) "Transition services" means a coordinated set of activities for a student, designed within an outcome-oriented process, that promotes movement from school to postschool activities, including postsecondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation. The coordinated set of activities must:

(a) Be based on the individual student's needs, taking into account the student's preferences and interests; and

(b) Include:

(A) Instruction,

(B) Community experiences,

(C) The development of employment and other postschool adult living objectives, and

(D) If appropriate, acquisition of daily living skills and functional vocational evaluation.

Stat. Auth.: ORS 343.041, 343.045, 343.055 & 343.155
Stats. Implemented: ORS 343.045 thru 343.155; CFR § 300.7, 300.13, 300.16, 300.17 & 300.18
Hist.: 1EB 8-1978, f. & ef. 3-3-78; 1EB 35-1978, f. & ef. 10-5-78; 1EB 18-1979(Temp), f. & ef. 11-15-79; 1EB 5-1980, f. 2-22-80, ef. 2-23-80; 1EB 18-1983(Temp), f. & ef. 12-20-83; 1EB 5-1985, f. 1-30-85, ef. 1-31-85; EB 39-1988(Temp), f. & cert. ef. 11-15-88; EB 18-1989, f. & cert. ef. 5-15-89; EB 28-1989(Temp), f. & cert. ef. 10-16-89; EB 3-1990, f. & cert. ef. 1-26-90; EB 25-1991(Temp), f. & cert. ef. 11-29-91; EB 16-1992, f. & cert. ef. 5-13-92; EB 9-1993, f. & cert. ef. 3-25-93; EB 18-1994, f. & cert. ef. 12-15-94; EB 22-1995, f. & cert. ef. 9-15-95

[**ED. NOTE:** The text of Temporary Rules is not printed in the Oregon Administrative Rules Compilation. Copies may be obtained from the adopting agency or the Secretary of State.]

Minimum Standards for Private Educational and State-Supported Private Agency Schools Serving Handicapped Children

581-15-010 [1EB 175(Temp), f. & ef. 9-25-74;
1EB 189, f. & ef. 3-6-75;
Renumbered from 581-22-100;
1EB 242, f. & ef. 8-27-76;
Repealed by 1EB 28-1978,
f. & ef. 7-20-78]

Standards for Home, Hospital, Institutional or Other Regularly Scheduled Instruction

581-15-015 (1) School districts may provide home, hospital, institutional, or other regularly scheduled instruction to any eligible student with a disability.

(2) Funding: School districts that provide home, hospital, institutional, or other regularly scheduled instruction under section (1) of this rule may claim state school funding under OAR 581-23-100.

(3) Criteria for Placement: School districts that propose to place a student with a disability in a home, hospital, institutional, or other regularly scheduled program shall ensure that the following criteria are met:

(a) The student must be enrolled as a resident student of the school district;

(b) The home, hospital, institutional, or other regularly scheduled program shall be appropriate to the unique educational needs of the student;

(c) The student shall meet the minimum criteria established by the State Board of Education for determining eligibility to receive special education as set forth in OAR 581-15-051.

Stat. Auth.: ORS 343.041, 343.045 & 343.055
Stats. Implemented: ORS 343.261
Hist.: 1EB 1 87, f. 3-6-75, ef. 3-25-75; Renumbered from 581-22-155; 1EB 248, f. & ef. 9-23-76; EB 11-1995, f. & cert. ef. 5-25-95

School Programs in State-Operated Hospitals and Training Centers

581-15-016 (1) For purposes of this rule:

(a) "Patient" means students ages 5 through 21 who are admitted to state-operated hospitals or training centers; except "patient" does not mean a student age five unless the student's fifth birthday occurs on or before September 1;

(b) "School district" means the school district in which the state-operated hospital or training centers is located.

(2) All patients admitted to state operated hospitals and training centers are eligible to receive educational services.

(3) Educational services in state operated hospitals need not commence until a patient's hospital stay is expected to last five schools days or longer and the hospital staff has determined the patient is medically able to receive educational services.

(4) The school district contracting to provide the education program shall develop or implement an existing individualized education program which meets all applicable state and federal requirements for patients who:

(a) Are in a state hospital or a state training center;

(b) Meet eligibility criteria for a disabling condition described in OAR 581-15-051; and

(c) Require special education services determined necessary by a multidisciplinary team.

(5) The primary purpose of the school program for patients in state-operated hospitals is to maintain the patients' educational programs. For patients working toward a GED, the school program staff shall continue the student's work in that program.

(6) The hospital or training center shall:

(a) Provide classroom space and facilities necessary to carry out the educational program for each patient;

(b) Coordinate with the school program in developing each patient's educational and medical treatment needs; and

(c) Assume responsibility for the transportation, care, treatment, and medical costs of each patient.

(7) All teachers in hospital or training center school programs shall have appropriate teacher certification under rules of the Teacher Standards and Practices Commission. At least one teacher or supervisor in the school program serving the hospital or training center shall have special education certification appropriate to the age and disabled patients served.

(8) The Department shall monitor each program for compliance with applicable state and federal requirements.

(9) The State Superintendent of Public Instruction shall insure that the school district contracting to provide the educational program meets the following requirements:

(a) The program is operated under a written agreement with the Department of Education;

(b) Each nondisabled student has a personalized educational plan which includes goals, activities and services, timeline, and assessment of progress;

(c) Information pertaining to the educational programs is provided to the Department in an accurate and timely manner;

(d) The educational program is developed and implemented in conjunction with the medical treatment program.

Stat. Auth.: ORS Ch. 343

Stats. Implemented: ORS 343.261

Hist.: EB 28-1987, f. & ef. 11-19-87; EB 15-1990, f. & cert. ef. 4-5-90

School Programs in Private Hospitals

581-15-017 (1) For purposes of this rule:

(a) "Patient" means students ages 5 to 21; except "patient" does not mean a student age five unless the student's fifth birthday occurs on or before September 1;

(b) "Specialized intensive treatment" means that the hospital maintains special facilities, equipment, and staff;

(c) "School district" means the school district in which the private hospital is located.

(2) Private hospitals not including psychiatric facilities may submit an application for approval of a school program to the State Superintendent of Public Instruction. The application submitted shall include verification that:

(a) The hospital admits patients from throughout the state;

(b) The hospital provides specialized intensive treatment which is unique and generally not available in local community hospitals;

(c) The hospital provides services to patients who have severe, low incidence types of disabling conditions including but not limited to burns, orthopedic impairments, and head injuries, but not including drug and alcohol problems;

(d) The hospital admits patients who can be expected to be hospitalized for five days or more or rehospitalized frequently; and

(e) The facility is licensed as a hospital under OAR 333-500-010(1)(a).

(3) Approval of the application by the State Superintendent of Public Instruction establishes the hospital program's eligibility to receive state funds.

(4) All patients are eligible to receive educational services. Educational services need not commence until a patient's hospital stay is expected to last five school days or longer and the hospital staff has determined the patient is medically able to receive educational services.

(5) The school district contracting to provide the education program shall develop or implement an existing individualized education program which meets all applicable state and federal requirements for patients who:

(a) Meet eligibility criteria for a disabling condition described in OAR 581-15-051; and

(b) Require special education services determined necessary by a multidisciplinary team.

(6) The primary purpose of the school program for hospitalized patients is to maintain the patient's educational programs. For patients working toward a GED, the school program staff shall continue the student's work in that program.

(7) The hospital shall:

(a) Provide classroom space and facilities necessary to carry out the educational program for each patient;

(b) Coordinate with the school program in developing each patient's educational and medical treatment needs; and

(c) Assume responsibility for the transportation, care, treatment, and medical costs of each patient.

(8) All teachers in the hospital school program shall have appropriate teacher certification under rules of the Teacher Standards and Practices Commission. At least one teacher or supervisor in the school program serving the hospital shall have special education certification appropriate to the age and disabled patients served.

(9) Upon initial application or approval of a school program in a private hospital the Oregon Department of Education shall review the application, inspect the school program facility and confer with hospital authorities as necessary. The Department will then advise the private hospital whether the school program is approved or disapproved and under what conditions; if approved, the date upon which funds will be available for operation of the school program, and the effective date and length of the approval. The hospital may reapply for approval at the expiration of each approval period.

(10) The Department shall monitor each program for compliance with applicable state and federal requirements.

(11) The State Superintendent of Public Instruction shall insure that the school district contracting to provide the educational program meets the following requirements:

(a) The program is operated under a written agreement with the Department of Education;

(b) Each nondisabled child has a personalized educational plan which includes goals, activities and services, timelines, and assessment of progress;

(c) Information pertaining to the educational programs is provided to the Department in an accurate and timely manner; and

(d) The educational program is developed and implemented in conjunction with the medical treatment program.

Stat. Auth.: ORS Ch. 343
Stats. Implemented: ORS 343.261
Hist.: EB 29-1987, f. & ef. 11-19-87; EB 16-1990, f. & cert. ef. 4-5-90

Minimum Standards for Contracting with Private Educational Programs

581-15-020 [1EB 188, f. 3-6-75, ef. 3-25-75;
Renumbered from 581-22-160;
1EB 248, f. & ef. 9-23-76;
Repealed by 1EB 40-1978,
f. & ef. 10-5-78]

Minimum Due Process Procedure and Hearing

581-15-025 [1EB 190, f. 3-6-75, ef. 3-25-75;
Renumbered from 581-22-165;
1EB 248, f. & ef. 9-23-76;
Repealed by 1EB 269,
f. & ef. 12-22-77]

Payment of Room and Board in Lieu of Transportation

581-15-030 [1EB 193, f. 4-1-75, ef. 4-25-75;
Renumbered from 581-22-170;
1EB 248, f. & ef. 9-23-76;
1EB 16-1978, f. & ef. 4-3-78;
Repealed by EB 18-1994,
f. & cert. ef. 12-15-94]

Provision of Special Education Required

581-15-033 School districts shall provide special education to any eligible handicapped child residing within the jurisdictional boundaries of the school district unless the child is receiving appropriate instruction and services in a state or regional program, facility, or institution.

Stat. Auth.: ORS Ch. 343
Stats. Implemented: ORS 343.221, 343.045 & 343.155
Hist.: 1EB 6-1978, f. 2-2-78, ef. 2-3-78

Criteria for Approving School District Special Education Programs

581-15-035 (1) School districts operating or initiating special education programs shall have their programs approved by the State Superintendent of Public Instruction in order to qualify such programs for state reimbursement. As part of this process districts shall subscribe to the following:

(a) Special education instructional programs in the district shall range along a broad continuum and shall focus attention on meeting the individual needs of all resident handicapped children;

(b) Special education shall be established and conducted as an integral part of the district's regular school program;

(c) Children who require special education shall enjoy the same rights and privileges provided to other students.

(2) In addition the school district shall have on file with the Oregon Department of Education a set of assurances which insures district compliance with requirements set forth in Oregon Revised Statutes and Oregon Administrative Rules for the education of handicapped children. Such assurances shall include:

(a) Procedures for identifying and evaluating all prospective handicapped children in the district;

(b) Specified criteria for establishing a child's eligibility to receive special education;

(c) Provisions for extending due process procedures to parents, guardians, or surrogate parents of handicapped children;

(d) Procedures for handling requests submitted by parents or guardians for special education for, or an educational evaluation of, a handicapped child;

(e) Procedures for initiating, reviewing and modifying a handicapped child's individualized education program;

(f) Procedures for placing, transferring, denying placement and terminating special education services for handicapped children;

(g) Procedures to insure the confidentiality of handicapped children's records;

(h) Procedures for the internal evaluation of the special education programs;

(i) Procedures for giving parents opportunity to examine records with respect to the identification, evaluation and educational placement of the child.

(3) All procedures and criteria described in section (2) of this rule shall be consistent with all other provisions of this Division.

Stat. Auth.: ORS Ch. 343
Stats. Implemented: ORS 343.221
Hist.: 1EB 208, f. 12-19-75, ef. 1-16-76; Renumbered from 581-22-175; 1EB 248, f. & ef. 9-23-76; 1EB 269, f. & ef. 12-22-77; 1EB 48-1978, f. & ef. 11-17-78

Identification, Location, Evaluation, and Census of Children With Disabilities

581-15-037 (1) School districts shall identify, locate and evaluate all resident or nonresident children at the age of eligibility for kindergarten through age 21 who may have as disability and need special education services.

(2) School districts and Headstart Programs shall report to the Oregon Department of Education all resident or nonresident children with disabilities as defined in ORS 343.035(2) who have been identified, located and evaluated and are receiving special education and related services from a public or private educational program.

(3) If no children have been identified, located, and evaluated as being disabled, school districts shall report this fact.

(4) Reporting by school districts and Headstart Programs in conformance with section (1) of this rule shall be conducted December 1 of each school year.

(5) In accordance with ORS 343.221, school districts shall provide special education and related services designed to meet the unique educational needs of all resident children with disabilities who have been identified, located and evaluated.

Stat. Auth.: ORS 343.041, 343.045 and 343.055
Stats. Implemented: ORS 343.045, 343.155 & 343.157
Hist.: 1EB 269, f. & ef. 12-22-77; 1EB 14-1983, f. 11-23-83, ef. 11-25-83; EB 11-1995, f. & cert. ef. 5-25-95

Parental Consent

581-15-039 (1) Written parental consent shall be obtained before a child who may have a disability is given a preplacement evaluation, and before such child is initially placed in a special education program unless the evaluation or placement has been determined by a final order under OAR 581-15-088 to be appropriate without parental consent.

(2) Written parental consent shall also be

obtained before administering individual intelligence tests (as opposed to group intelligence tests) and all tests of personality to a child pursuant to OAR 581-21-030(2)(a).

(3) If a parent of a child who has been identified as having a disability or who is suspected of having a disability refuses to grant consent in the circumstances identified in sections (1) and (2) of this rule, school districts shall follow the procedures set forth in OAR 581-15-081(2) and (3).

Stat. Auth.: ORS 343.041, 343.045 & 343.055
Stats. Implemented: ORS 343.045, 343.155 & 343.164
Hist.: 1EB 269, f. & ef. 12-22-77; 1EB 37-1978, f. & ef. 10-5-78; EB 9-1993, f. & cert. ef. 3-25-93; EB 11-1995, f. & cert. ef. 5-25-95

Operation of State Reimbursed Special Education Programs

581-15-040 [1EB 207, f. 12-19-75, ef. 1-16-76;
Renumbered from 581-22-180;
1EB 248, f. & ef. 9-23-76;
Repealed by 1EB 11-1978,
f. & ef. 3-3-78]

Special Education Facilities

581-15-041 [1EB 6-1978, f. 2-2-78, ef. 2-3-78;
Repealed by EB 18-1994,
f. & cert. ef. 12-15-94]

Equipment and Supplies

581-15-043 [1EB 6-1978, f. 2-2-78, ef. 2-3-78;
Repealed by EB 18-1994,
f. & cert. ef. 12-15-94]

Criteria for Funding of Educational Programs for Children Under Contract with the Department of Human Resources for Long-Term Treatment

581-15-044 (1) Eligibility Guidelines:

(a) For the purpose of determining eligibility for funding under this rule, the following definitions shall apply:

(A) "Long-term" means 90 days or longer;

(B) "Treatment program" means the treatment services provided by a private nonprofit or public agency and provided under contract with the Department of Human Resources. Intermediate care facilities are excluded from this definition;

(C) "Education program" means those activities provided under contract between a school district or education service district and the Department of Education, which provide a public education to school-aged children in a treatment program;

(D) "Day treatment programs" are those defined in OAR 309-34-065(2);

(E) "Resident district" means the resident district as defined under ORS 343.283;

(F) "Contracting school district" means the school district, the education service district or a program under the auspices of the State Board of Higher Education that contracts with the Department of Education for the provision of educational services at the agency.

(b) The purposes of the education program shall be as follows:

(A) To serve children placed for needs other than educational;

(B) To serve children who require schooling in a protected environment in order to protect the health and safety of themselves and/or others; and

(C) To extend the treatment process into the school day in order to fully implement the treatment plan.

(c) An agency may offer several different treatment programs serving different populations. For the purposes of determining eligibility for funding and funding levels for education programs, each program will be considered separately. Temporary shelter programs, which would not otherwise meet the definition of long-term provided in this rule, shall be considered eligible for funding only when they are attached to an eligible treatment program and the children served are primarily awaiting placement in such programs;

(d) In order to be eligible for an education program, a treatment program shall meet all of the following:

(A) Have a letter of approval from the Mental Health and Developmental Disability Services Division certifying that the treatment program meets standards for day and residential treatment services for children (OAR 309-34-060 through 309-34-100), or provide long-term residential treatment of children placed by the Department of Human Resources;

(B) Meet state licensing requirements for a private child-caring agency and serve seven or more children;

(C) Be operated by a nonprofit corporation or a political subdivision of the state;

(D) Demonstrate through client admissions, staff hiring practices, and client access to services that it meets requirements for ORS 659.150 relating to the prevention of discrimination; and

(E) Demonstrate through curriculum content, teaching practices, and facilities management that the constitutional requirements regarding no religious entanglement are met.

(e) The State Superintendent of Public Instruction shall be responsible for approving the educational program under this rule and shall insure that the school district contracting to provide the educational program meets the following requirements. The district shall insure that the program is operated in compliance with a written agreement with the Board of Education which specifies the following services to be provided:

(A) Each child who is not eligible to receive education as defined in OAR 581-15-005 has a personalized educational plan which includes assessment, goals, activities and services, and timelines;

(B) Information pertaining to students and educational programs is provided to the Department in an accurate and timely manner;

(C) Children have opportunities to be educated in the least restrictive environment; and

(D) The education program is developed and implemented in conjunction with the care/treatment program.

(f) Final determinations concerning the eligibility of care/treatment programs for education funding shall be made at the discretion of the State Superintendent of Public Instruction.

(2) Funding Guidelines:

(a) For the purpose of determining funding under this rule, the following definitions shall apply:

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(A) "Average daily membership" means the membership of a school as defined in ORS 327.006 (2);

(B) "Net operating expenditure" means the sum of expenditures as defined in ORS 327.006(6), divided by the average daily membership of the school district or in the case of an ESD, its districts, which contract for education services offered in the program;

(C) "Service level factors" means:

(i) 1.75 times the contracting district's average net operating expenditure divided by the average daily membership for students under 14 years of age and all Day and Residential Treatment Services (DARTs) programs;

(ii) 2.00 times the contracting district's average net operating expenditure divided by the average daily membership for students 14 years of age and older not in DARTs programs.

(b) A formula will be employed to reflect the needs of the population served and shall identify funds available for the development of an approved contract:

(A) The formula is as follows: (Service level factors) x (the contracting district's average net operating expenditure divided by the average daily membership) x (average daily membership as specified in the contract with the Department of Human Resources) = ODE contracted amount;

(B) The factor shall represent an equitable division of funds available to the Department for programs eligible under these criteria.

(c) A special needs fund shall be established at the Oregon Department of Education which will be up to five percent of the total monies made available for this program:

(A) Individual applications may be made to this fund to cover unexpected, emergency expenses;

(B) Funds not utilized under this subsection for the first year of the biennium shall be carried forward to the next fiscal year.

(3) Funding Procedures: Upon receipt of an application of a treatment program for funding under this rule, the Department shall:

(a) Within a reasonable time determine if the treatment program meets the criteria set forth in this rule;

(b) If necessary, request additional funding or a limitation for funding from the State Legislature; and

(c) Fund the program only when funds are forthcoming.

(4) Resident District Obligations for Day and Residential Treatment Programs:

(a) The resident district is responsible for the provision and/or payment of daily transportation to and from a day treatment education program in which a resident student is enrolled:

(A) The resident district may directly transport or contract for transportation services with the agency, an adjacent school district, an education service district or a private carrier as long as the subcontractor is operating under the provision of ORS 801.455, 801.460, and 820.100 through 820.150, or is exempt from these regulations by operating under the Public Utility Commission, ORS Chapter 767, or city regulations included in ORS Chapter 221;

(B) Subject to agreement with the parent or guardian, the resident district may reimburse a parent or guardian for the transportation of a child at the per mile rate established by that district;

(C) Transportation shall be provided by the resident district even though the calendar of the day treatment education program differs from that of the resident district;

(D) The resident district is responsible for the provision and/or payment of transportation when it is required by the Individual Education Plan or the Personalized Education Plan for the purpose of least restrictive environment and transition services.

(b) The resident district may claim reimbursement for transportation costs under ORS 327.035 and 343.281;

(c) The resident district shall participate in all individualized education or personalized education plan meetings involving its students.

(5) Due Process Hearings:

(a) The school district with which Oregon Department of Education contracts to educate children under ORS 343.961 is the "school district" for the purposes of carrying out the procedures required by ORS 343.165 to 343.175;

(b) The issues of the hearing shall not include the placement by the Department of Human Resources for long-term care or treatment;

(c) Costs for the hearings officer in due process proceedings which are in excess of the contracted educational program budget shall be paid by the Oregon Department of Education;

(d) The Oregon Department of Education and the Department of Human Resources shall be parties to such proceedings and will be responsible to provide additional services ordered by a hearings officer that are beyond the funding provided to the contracted educational program.

Stat. Auth.: ORS 343.961
Stats. Implemented: ORS 343.961
Hist.: 1EB 23-1986, f. & ef. 7-14-86; EB 7-1988, f. & cert. ef. 1-15-88; EB 22-1990, f. & cert. ef. 5-18-90; EB 10-1991(Temp), f. & cert. ef. 7-15-91; EB 31-1991, f. & cert. ef. 12-18-91

[**ED. NOTE:** The text of Temporary Rules is not printed in the Oregon Administrative Rules Compilation. Copies may be obtained from the adopting agency or the Secretary of State.]

Approvable Items for Reimbursement of Instructional Services to Handicapped Children

581-15-045 [1EB 210, f. 1-20-76, ef. 2-11-76;
Renumbered from 581-22-185;
1EB 248, f. & ef. 9-23-76;
1EB 253, f. & ef. 12-9-76;
Repealed by 1EB 9-1978,
f. & ef. 3-3-78]

State Reimbursable Costs

581-15-046 [1EB 9-1978, f. & ef. 3-3-78;
1EB 24-1980, f. & ef. 10-1-80;
1EB 9-1986, f. & ef. 3-17-86;
Repealed by EB 22-1992,
f. & cert. ef. 6-23-92]

Reimbursement to School Districts for Students with Extraordinary Handicapping Conditions

581-15-047 [EB 1-1987, f. & ef. 1-29-87;

Repealed by EB 17-1993,
f. & cert. ef. 4-30-93]

Compliance Monitoring

581-15-048 School districts involved in the education of children with disabilities shall be monitored on a regular basis as specified in Oregon's federally-approved special education state plan, by the Department of Education to insure compliance with the requirements of the Individuals with Disabilities Education Act, in effect on April 1, 1995, Oregon Revised Statutes, and Oregon Administrative Rules. Monitoring procedures may include collecting data and reports, conducting on-site visits, auditing federal fund use, and comparing individualized education programs with the programs actually provided.

Stat. Auth.: ORS 343.041, 343.045 & 343.055
Stats. Implemented: ORS 343.065
Hist.: 1EB 15-1983, f. 11-23-83, ef. 11-25-83; EB 6-1993, f. & cert. ef. 2-11-93; EB 11-1995, f. & cert. ef. 5-25-95

Recovery of Funds for Misclassified Children

581-15-049 (1) School districts shall ensure that children counted for the generation of funds provided under Part B of Public Law 94-142 are limited to eligible children.

(2) Any such funds provided for services to a child who is determined to be erroneously classified as eligible shall be recovered by the Oregon Department of Education by reducing for each appropriate school district the district's entitlement in a subsequent year in direct proportion to the numbers of children classified as eligible to be counted.

(3) For purposes of this rule "eligible child" or "child eligible to be counted" means a child six to twenty-one years of age inclusive, provided that such age limits shall be extended, for a school district providing kindergarten, to five to 21 inclusive and, for a school district providing early childhood education, to three to 21 inclusive, who:

(a) Is handicapped;

(b) Is receiving free public education; and

(c) Is receiving special education; and

(d) For whom an individualized educational program has been prepared.

Stat. Auth.: ORS Ch. 343
Stats. Implemented: ORS 343.243
Hist.: 1EB 269, f. & ef. 12-22-77

Minimum Criteria for Determining the Eligibility of Children to Receive Special Education

581-15-050 [1EB 221, f. 3-22-76, ef. 4-1-76;
Renumbered from 581-22-190;
1EB 248, f. & ef. 9-23-76;
Repealed by 1EB 29-1978,
f. & ef. 7-20-78]

Evaluation of and Minimum Criteria for Special Education Students

581-15-051 (1) For children who are at the age of eligibility for kindergarten through age 21, school districts and juvenile and adult corrections education programs shall be the public educational agencies responsible for evaluating these children and determining their eligibility for special education services pursuant to the procedures set forth in this rule, and in OARs 581-15-053 and 581-15-071 through 581-15-075.

(2) For children who are age three through the age of eligibility for kindergarten, school districts shall be the public educational agencies responsible for evaluating these children for special education services pursuant to the procedures set forth in this rule, and in OARs 581-15-939, 581-15-941, 581-15-942 and 581-15-960. The designated referral and evaluation agencies shall be the public educational agencies responsible for determining the eligibility of these children for special education services pursuant to the procedures set forth in this rule and in OARs 581-15-942, 581-15-943 and 581-15-1001.

(3) The child's multidisciplinary team shall determine whether the child meets the minimum criteria and whether the child needs special education services. For each of the following disability categories, subsection (a) sets forth the evaluation that shall be conducted, subsection (b) sets forth the minimum criteria the child shall meet and subsection (c) sets forth the requirement that the multidisciplinary team shall determine whether a child needs special education services.

(4) Autism:

(a) If a child is suspected of having autism, the following evaluation shall be conducted:

(A) A developmental profile which describes the child's historical and current characteristics that are associated with autism as described in subsection (1)(b) of this rule;

(B) At least three 20-minute observations of the child's behavior in multiple environments on at least two different days by an educator knowledgeable about autism;

(C) An assessment of communication which includes measures of language semantics and pragmatics completed by a speech and language pathologist, licensed by a State Board of Examiners in Speech Pathology and Audiology, or the Teacher Standards and Practices Commission;

(D) A medical statement or a health assessment statement indicating whether there are any physical factors that may be affecting the child's educational performance;

(E) Assessments to determine the impact of the suspected disability:

(i) On the child's educational performance when the child is at the age of eligibility for kindergarten through age 21, or

(ii) On the child's developmental progress when the child is age three through the age of eligibility for kindergarten; and

(F) Additional evaluations or assessments that are necessary to identify the child's educational needs.

(b) For a child suspected of having autism, the child shall meet all of the following minimum criteria:

(A) The child has impaired verbal and/or nonverbal language or social communication skills;

(B) The child has an impaired ability to relate to people or the environment;

(C) The child exhibits or previously exhibited unusual responses to sensory information; and

(D) The child exhibits or previously exhibited inconsistencies or discrepancies in the development of physical, language, social or cognitive skills.

(c) For a child to be eligible for special education services as a child with autism, the child's multidisciplinary team shall determine that:

(A) The child's disability has an adverse impact:

(i) On the child's educational performance when the child is at the age of eligibility for kindergarten through age 21; or

(ii) On the child's developmental progress when the child is age three through the age of eligibility for kindergarten; and

(B) The child needs special education services as a result of the disability.

(d) A child may not be eligible for special education services on the basis of having autism if the child's primary disability is an serious emotional disturbance as set forth in section (4) of this rule. However, a child who has autism as a primary disability may also have an serious emotional disturbance as a secondary disability.

(5) Communication Disorder:

(a) If a child is suspected of having a communication disorder, the following evaluation shall be conducted:

(A) A speech and language assessment administered by a speech and language pathologist, licensed by a State Board of Examiners in Speech Pathology and Audiology or the Teacher Standards and Practices Commission;

(B) For a child suspected of having a voice disorder, a medical statement by an otolaryngologist licensed by a State Board of Medical Examiners. For other than a voice disorder, if a medical or health diagnosis is needed, a medical statement or a health assessment statement describing relevant medical issues;

(C) An evaluation or screening of the child's hearing acuity and, if needed, a measure of middle ear functioning;

(D) An evaluation of the child's oral mechanism, if needed;

(E) When evaluating syntax, morphology, semantics or pragmatics, a representative language sample and comprehensive standardized tests that assess expression and comprehension completed by a speech and language pathologist pursuant to paragraph (5)(a)(A) of this rule;

(F) When a voice disorder is suspected, a voice assessment scale completed by a speech and language pathologist pursuant to paragraph (5)(a)(A) of this rule;

(G) When a fluency disorder is suspected, an observation in at least two settings completed by a speech and language pathologist pursuant to paragraph (5)(a)(A) of this rule;

(H) Assessments to determine the impact of the suspected disability:

(i) On the child's educational performance when the child is at the age of eligibility for kindergarten through age 21, or

(ii) On the child's developmental progress when the child is age three through the age of eligibility for kindergarten; and

(I) Additional evaluations or assessments that are necessary to identify the child's educational needs.

(b) For a child suspected of having a specific communication disorder, the child shall meet the following minimum criteria:

(A) Voice disorder:

(i) The child demonstrates chronic vocal characteristics that deviate in at least one of the areas of pitch, quality, intensity or resonance;

(ii) The child's voice disorder impairs communication or intelligibility; and

(iii) The child's voice disorder is rated as moderate to severe on a voice assessment scale.

(B) Fluency disorder:

(i) The child demonstrates an interruption in the rhythm or rate of speech which is characterized by hesitations, repetitions, or prolongations of sounds, syllables, words or phrases;

(ii) The child has a fluency disorder that interferes with communication and calls attention to itself across two or more settings; and

(iii) The child demonstrates moderate to severe vocal dysfluencies or the child evidences associated secondary behaviors, such as struggling or avoidance as measured by a standardized measure.

(C) Phonological or articulation disorder:

(i) The child's phonology or articulation is rated significantly discrepant as measured by a standardized test; and

(ii) The disorder is substantiated by a language sample or other evaluation(s).

(D) Syntax, morphology, pragmatic or semantic disorder:

(i) The child's language in the area of syntax, morphology, semantics or pragmatics is significantly discrepant as measured by standardized test(s); and

(ii) The disorder is substantiated by a language sample or other evaluation(s).

(iii) For a child to be eligible with a syntax, morphology, pragmatic or semantic disorder, the disorder is not the result of another disability.

(c) For a child to be eligible for special education services as a child with a communication disorder, the child's multidisciplinary team shall determine that:

(A) The child's disability has an adverse impact:

(i) On the child's educational performance when the child is at the age of eligibility for kindergarten through age 21, or

(ii) On the child's developmental progress when the child is age three through the age of eligibility for kindergarten; and

(B) The child needs special education services as a result of the disability.

(6) Deaf/Blindness:

(a) If a child is suspected of having deaf/blindness, the child shall be evaluated using the minimum evaluation procedures in sections (7) and (11) of this rule.

(b) For a child suspected of having deaf/blindness, the child shall meet one or more of the following minimum criteria:

(A) The child meets the minimum criteria for both vision impairment and hearing impairment in sections (7) and (11) of this rule; or

(B) The child meets the minimum criteria for either vision impairment or hearing impairment of sections (7) or (11) of this rule and demonstrates inconsistent or inconclusive responses in an assessment of the other sensory area. If the child demonstrates inconsistent or inconclusive responses in an assessment of the other sensory area, a functional assessment must be administered by a state licensed educator of the visually impaired, a state licensed educator of the hearing impaired or an audiologist licensed by a State

Board of Examiners in Speech Pathology and Audiology; or

(C) The child meets the minimum criteria for either vision impairment or hearing impairment of sections (7) or (11) of this rule and has a degenerative disease or pathology that affects the acuity of the other sensory area.

(c) For a child to be eligible for special education services as a child having deaf/blindness, the child's multidisciplinary team shall determine that:

(A) The child's disability has an adverse impact:

(i) On the child's educational performance when the child is at the age of eligibility for kindergarten through age 21, or

(ii) On the child's developmental progress when the child is age three through the age of eligibility for kindergarten; and

(B) The child needs special education services as a result of the disability.

(7) Hearing Impairment:

(a) If a child is suspected of having a hearing impairment, the following evaluation shall be conducted:

(A) An audiological assessment by an audiologist licensed by a State Board of Examiners in Speech Pathology and Audiology;

(B) A medical statement or a health assessment statement indicating whether the hearing loss, if conductive, is treatable and whether the use of amplification is contra-indicated;

(C) Assessments to determine the impact of the suspected disability:

(i) On the child's educational performance when the child is at the age of eligibility for kindergarten through age 21, or

(ii) On the child's developmental progress when the child is age three through the age of eligibility for kindergarten; and

(D) Additional evaluations or assessments that are necessary to identify the child's educational needs.

(b) For a child suspected of having a hearing impairment, the child shall meet one of the following minimum criteria:

(A) The child has a pure tone average loss of 25 dbHL or greater in the better ear for frequencies of 500 Hz, 1000 Hz, and 2000 Hz, or a pure tone average loss of 35 dbHL or greater in the better ear for frequencies of 3000 Hz, 4000 Hz, and 6000 Hz; or

(B) The child has a unilateral hearing impairment with a pure tone average loss of 50 dbHL or greater in the affected ear for the frequencies 500 Hz to 4000 Hz; and

(C) The loss is either sensorineural or conductive if the conductive loss has been determined to be currently untreatable by a physician.

(c) For a child to be eligible for special education services as a child with a hearing impairment, the child's multidisciplinary team shall determine that:

(A) The child's disability has an adverse impact:

(i) On the child's educational performance when the child is at the age of eligibility for kindergarten through age 21, or

(ii) On the child's developmental progress when the child is age three through the age of eligibility for kindergarten; and

(B) The child needs special education services as a result of the disability.

(8) Mental Retardation:

(a) If a child is suspected of having mental retardation, the following evaluation shall be conducted:

(A) An individually administered standardized intelligence test meeting the reliability and validity standards of the American Psychological Association and administered by a licensed school psychologist, a psychologist licensed by a State Board of Psychological Examiners, or other individual assigned by a school district who has the training and experience to administer and interpret individually administered intelligence tests;

(B) The administration of a valid adaptive behavior scale;

(C) A medical statement or a health assessment statement indicating whether there are any sensory or physical factors that may be affecting the child's educational performance;

(D) A developmental history of the child;

(E) Assessments to determine the impact of the suspected disability:

(i) On the child's educational performance when the child is at the age of eligibility for kindergarten through age 21, or

(ii) On the child's developmental progress when the child is age three through the age of eligibility for kindergarten; and

(F) Additional evaluations or assessments that are necessary to identify the child's educational needs.

(b) For a child suspected of having mental retardation, the child shall meet all of the following minimum criteria:

(A) The child's intelligence test score is 2 or more standard deviations below the mean;

(B) The child has deficits in adaptive behavior coexistent with the child's impairment in intellectual functioning;

(C) The child's developmental level or educational achievement is significantly below age or grade norms; and

(D) The child's educational problems are not primarily the result of sensory disabilities or other physical factors.

(c) For a child to be eligible for special education services as a child with mental retardation, the child's multidisciplinary team shall determine that:

(A) The child's disability has an adverse impact:

(i) On the child's educational performance when the child is at the age of eligibility for kindergarten through age 21; or

(ii) On the child's developmental progress when the child is age three through the age of eligibility for kindergarten; and

(B) The child needs special education services as a result of the disability.

(9) Orthopedic Impairment:

(a) If a child is suspected of having an orthopedic impairment, the following evaluation shall be conducted:

(A) A medical statement or a health assessment statement indicating a diagnosis of an orthopedic or neuromotor impairment or a description of the motor impairment;

(B) A standardized motor assessment, including the areas of fine motor, gross motor and self-he when appropriate, by a specialist knowledgeab about orthopedic or neuromotor development;

(C) Assessments to determine the impact of the suspected disability:

(i) On the child's educational performance when the child is at the age of eligibility for kindergarten through age 21, or

(ii) On the child's developmental progress when the child is age three through the age of eligibility for kindergarten; and

(D) Additional evaluations or assessments that are necessary to identify the child's educational needs.

(b) For a child suspected of having an orthopedic impairment, the child shall meet all of the following minimum criteria:

(A) The child has a motor impairment which results in deficits in the quality, speed or accuracy of movement. These deficits must be documented by a score of two or more standard deviations below the mean in one or more of the three motor areas set forth in paragraph (9)(a)(B) of this rule, or functional deficits in at least two of the three motor areas; and

(B) The child's condition is permanent or is expected to last for more than 60 calendar days.

(c) For a child to be eligible for special education services as a child with an orthopedic impairment, the child's multidisciplinary team shall determine that:

(A) The child's disability has an adverse impact:

(i) On the child's educational performance when the child is at the age of eligibility for kindergarten through age 21, or

(ii) On the child's developmental progress when the child is age three through the age of eligibility for kindergarten; and

(B) The child needs special education services as a result of the disability.

(10) Other Health Impairment:

(a) If a child is suspected of having an other health impairment, the following evaluation shall be conducted:

(A) A medical statement or a health assessment statement, indicating a diagnosis of a health impairment or a description of the impairment, and a statement that the child's condition is permanent or is expected to last for more than 60 calendar days;

(B) Assessments to determine the impact of the suspected disability:

(i) On the child's educational performance when the child is at the age of eligibility for kindergarten through age 21; or

(ii) On the child's developmental progress when the child is age three through the age of eligibility for kindergarten; and

(C) Additional evaluations or assessments that are necessary to identify the child's educational needs.

(b) For a child suspected of having an other health impairment, the child shall meet all of the minimum criteria:

(A) The child's condition shall be permanent or expected to last for more than 60 calendar days; and

(B) The child's condition adversely affects the child's educational performance.

(c) For a child to be eligible for special education services as a child with an other health impairment, the child's multidisciplinary team shall determine that:

(A) The child's disability has an adverse impact:

(i) On the child's educational performance when the child is at the age of eligibility for kindergarten through age 21;or

(ii) On the child's developmental progress when the child is age three through the age of eligibility for kindergarten; and

(B) The child needs special education services as a result of the disability.

(11) Serious Emotional Disturbance:

(a) If a child is suspected of having an serious emotional disturbance, the following evaluation shall be conducted:

(A) An evaluation of the child's emotional and behavioral status, including a developmental or social history, when appropriate;

(B) A medical statement or a health assessment statement indicating whether there are any physical factors that may be affecting the child's educational performance;

(C) The completion of at least two behavior rating scales, at least one of which is a standardized behavior measurement instrument;

(D) An observation in the classroom and in at least one other setting by someone other than the child's regular teacher;

(E) Assessments to determine the impact of the suspected disability:

(i) On the child's educational performance when the child is at the age of eligibility for kindergarten through age 21; or

(ii) On the child's developmental progress when the child is age three through the age of eligibility for kindergarten; and

(F) Additional evaluations or assessments that are necessary to identify the child's educational needs.

(b) For a child suspected of having an serious emotional disturbance, the child shall meet the following minimum criteria:

(A) The child's emotional or behavioral problems shall have existed over an extended period of time; and

(B) The child exhibits one or more of the following:

(i) An inability to learn at a rate commensurate with the child's intellectual, sensory-motor, and physical development;

(ii) An inability to establish or maintain satisfactory inter-personal relationships with peers, parents, or teachers;

(iii) A variety of excessive behavior ranging from hyperactive and impulsive responses to depression and withdrawal;

(iv) Inappropriate types of behavior or feelings under normal circumstances; or

(v) A tendency to develop physical symptoms, pains, or fears associated with personal, social, or school problems.

(c) For a child to be eligible for special education services as a child with an serious emotional disturbance, the child's multidisciplinary team shall determine that:

(A) The child's disability has an adverse impact:

(i) On the child's educational performance when the child is at the age of eligibility for kindergarten through age 21; or

(ii) On the child's developmental progress when the child is age three through the age of eligibility for kindergarten; and

(B) The child needs special education services as a result of the disability;

(d) A child who is socially maladjusted may not be identified as having an serious emotional disturbance unless the child also meets the minimum criteria under subsection (11)(b) of this rule.

(12) Specific Learning Disability:

(a) If a child is suspected of having a specific learning disability, the following evaluation shall be conducted:

(A) An observation by a team member other than the child's regular teacher of the child's academic performance in a regular classroom setting; or in the case of a child less than school age or out of school, an observation by a team member conducted in an age-appropriate environment;

(B) A developmental history, if needed;

(C) An assessment of intellectual ability;

(D) Other assessments of the characteristics of learning disabilities if the child exhibits impairments in any one or more of the following areas: cognition, fine motor, perceptual motor, communication, social or emotional, and perception or memory. These assessments shall be completed by specialists knowledgeable in the specific characteristics being assessed;

(E) A review of cumulative records, previous individualized education programs or individualized family service plans and teacher collected work samples;

(F) If deemed necessary, a medical statement or health assessment statement indicating whether there are any physical factors that may be affecting the child's educational performance;

(G) Assessments to determine the impact of the suspected disability:

(i) On the child's educational performance when the child is at the age of eligibility for kindergarten through age 21; or

(ii) On the child's developmental progress when the child is age three through the age of eligibility for kindergarten; and

(H) Additional evaluations or assessments that are necessary to identify the child's educational needs.

(b) For a child suspected of having a specific learning disability, the child shall meet all of the following minimum criteria:

(A) The child does not achieve commensurate with his or her age and ability levels in one or more of the areas listed in paragraph (12)(b)(B) of this rule when provided with learning experiences appropriate for the child's age and ability levels;

(B) The child has a severe discrepancy between intellectual ability and achievement in one or more of the following areas:

(i) Oral expression;

(ii) Listening comprehension;

(iii) Written expression;

(iv) Basic reading skills;

(v) Reading comprehension;

(vi) Mathematics calculation (when appropriate, includes general readiness skills); or

(vii) Mathematics reasoning; and

(C) The child's severe discrepancy between ability and achievement is not primarily the result of:

(i) A visual, hearing, or motor impairment;

(ii) Mental retardation;

(iii) Emotional disturbance; or

(iv) Environmental, cultural, or economic disadvantage.

(c) For a child to be eligible for special education services as a child with a specific learning disability, the child's multidisciplinary team shall determine that:

(A) The child's disability has an adverse impact:

(i) On the child's educational performance when the child is at the age of eligibility for kindergarten through age 21' or

(ii) On the child's developmental progress when the child is age three through the age of eligibility for kindergarten; and

(B) The child needs special education services as a result of the disability.

(13) Traumatic Brain Injury:

(a) If a child is suspected of having a traumatic brain injury, the following evaluation shall be conducted:

(A) A medical statement or a health assessment statement indicating that an event may have resulted in a traumatic brain injury as defined in OAR 581-15-005(5)(k);

(B) A comprehensive psychological assessment using a battery of instruments intended to identify deficits associated with a traumatic brain injury administered by a licensed school psychologist, a psychologist licensed by a State Board of Psychological Examiners, or other individuals who have the training and experience to administer and interpret the tests within the battery;

(C) Other assessments including, but not limited to, motor assessments if the child exhibits motor impairments; communication assessments if the child exhibits communication disorders; and psychosocial assessments if the child exhibits changed behavior. These assessments must be completed by educators knowledgeable in the specific area being assessed;

(D) Other information relating to the child's suspected disability, including pre-injury performance and a current measure of adaptive ability;

(E) An observation in the classroom and in at least one other setting;

(F) Assessments to determine the impact of the suspected disability:

(i) On the child's educational performance when the child is at the age of eligibility for kindergarten through age 21; or

(ii) On the child's developmental progress when the child is age three through the age of eligibility for kindergarten; and

(G) Additional evaluations or assessments that are necessary to identify the child's educational needs.

(b) For a child suspected of having a traumatic brain injury, the child's condition shall be permanent or expected to last for more than 60 calendar days.

(c) For a child to be eligible for special education services as a child with a traumatic brain injury, the child's multidisciplinary team shall determine that:

(A) The child's disability has an adverse impact:

(i) On the child's educational performance when the child is at the age of eligibility for kindergarten through age 21; or

(ii) On the child's developmental progress when the child is age three through the age of eligibility for kindergarten; and

(B) The child needs special education services as a result of the disability.

(14) Vision Impairment:

(a) If a child is suspected of having a vision impairment, the following evaluation shall be conducted:

(A) A medical statement by an ophthalmologist or optometrist licensed by a State Board of Examiners indicating that the child has a vision impairment;

(B) Assessments to determine the impact of the suspected disability:

(i) On the child's educational performance when the child is at the age of eligibility for kindergarten through age 21; or

(ii) On the child's developmental progress when the child is age three through the age of eligibility for kindergarten; and

(C) Additional evaluations or assessments that are necessary to identify the child's educational needs, including a functional assessment of the child's residual visual acuity or field of vision.

(b) For a child suspected of having a vision impairment, the child shall meet one or more of the following minimum criteria:

(A) The child's residual acuity is 20/70 or less in the better eye with correction;

(B) The child's visual field is restricted to 20 degrees or less in the better eye;

(C) The child has an eye pathology or a progressive eye disease which in the opinion of the ophthalmologist is expected to reduce either residual acuity or visual field according to the criteria stated in paragraphs (14)(b)(A) or (B); or

(D) The assessment results of a licensed ophthalmologist or optometrist are inconclusive, or the child demonstrates inadequate use of residual vision.

(c) For a child to be eligible for special education services as a child with vision impairment, the child's multidisciplinary team shall determine that:

(A) The child's disability has an adverse impact:

(i) On the child's educational performance when the child is at the age of eligibility for kindergarten through age 21; or

(ii) On the child's developmental progress when the child is age three through the age of eligibility for kindergarten; and

(B) The child needs special education services as a result of the disability.

Stat. Auth.: ORS 343.045, 343.155 & 343.157

Stats. Implemented: ORS 343.157, 343.227, 343.045, 343.155; 20 USC § 1401(a); 34 CFR 300.7(b)

Hist.: 1EB 29-1978, f. & ef. 7-20-78; 1EB 18-1983(Temp), f. & ef. 12-20-83; 1EB 7-1986, f. & ef. 2-24-86; EB 25-1991(Temp), f. & cert. ef. 11-29-91; EB 16-1992, f. & cert. ef. 5-13-92; EB 22-1995, f. & cert. ef. 9-15-95

[**ED. NOTE:** The text of Temporary Rules is not printed in the Oregon Administrative Rules Compilation. Copies may be obtained from the adopting agency or the Secretary of State.]

State Reimbursement for Students Who Are Trainable Mentally Retarded

581-15-052 [EB 13-1990(Temp),
f. & cert. ef. 3-5-90;
EB 23-1990(Temp),
f. & cert. ef. 5-18-90;
EB 45-1990, f. & cert. ef. 9-12-90;
Repealed by EB 22-1992,
f. & cert. ef. 6-23-92]

Multidisciplinary Team Procedures for Determining Eligibility for Special Education Services

581-15-053 In determining a child's eligibility for special education services, an educational agency shall adhere to the following procedures:

(1) A child's eligibility for special education services shall be determined by a multidisciplinary team. The multidisciplinary team shall include two or more professionals, at least one of whom shall be qualified as a specialist knowledgeable and experienced in the evaluation and education of children with the suspected disability.

(2) In determining eligibility for a child suspected of having a specific learning disability, in addition to the qualifications described in section (1) of this rule, the multidisciplinary team shall include:

(a) The child's regular teacher; or if the child does not have a regular teacher, a regular classroom teacher qualified to teach a child of his or her age; or for a child of less than school age, an individual qualified under OAR 581-15-1100 to teach a child of his or her age; and

(b) At least one person qualified to conduct individual diagnostic examinations of children, such as a school psychologist, speech-language pathologist, remedial reading teacher or handicapped learner specialist.

(3) The multidisciplinary team shall prepare a written statement of eligibility which includes:

(a) All evaluation data used to determine whether or not the child meets the minimum evaluation criteria;

(b) A determination regarding whether the child meets the minimum evaluation criteria for one of the disability categories set forth in OAR 581-15-051 or OAR 581-15-942;

(c) A determination regarding whether the child's disability has an adverse impact:

(A) On the child's educational performance when the child is at the age of eligibility for kindergarten through age 21, or

(B) On the child's developmental progress when the child is age three through the age of eligibility for kindergarten;

(d) A determination regarding whether the child needs special education services as a result of the child's disability; and

(e) The signature of each member of the team signifying his or her concurrence or dissent.

(4) When determining eligibility for a child suspected of having a specific learning disability, in addition to the requirements in section (3) of this rule, the multidisciplinary team shall prepare a written report based upon the results of the evaluation. The report shall include statements regarding:

(a) Whether the child has a specific learning disability;

(b) The basis for making the determination;

(c) The relevant behavior noted during the observation of the child;

(d) The relationship of that behavior to the child's academic functioning;

(e) The educationally relevant medical findings,

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if any;

(f) Whether there is a severe discrepancy between achievement and ability which is not correctable without special education; and

(g) The determination of the team concerning the effects of environmental, cultural, or economic disadvantage.

(h) Each member shall certify in writing whether the report reflects his or her conclusion. If it does not, the team member must submit a separate statement presenting his or her conclusions.

(5) For a child who may have disabilities in more than one category, the multidisciplinary team need only qualify the child for special education services under one disability category. However, the child shall be evaluated in all areas related to the suspected disability, and the child's individualized education program or individualized family service plan shall address all of the child's special education needs.

Stat. Auth.: ORS 343.045; 343.155; 343.157
Stats. Implemented: ORS 343.035, 343.157, 343.227; 34 CFR 300.7(6), 34 CFR 300.530 thru 300.534, 34 CFR 300.540 thru 300.543
Hist.: EB 22-1995, f. & cert. ef. 9-15-95

Confidentiality of Children's Records

581-15-055 Each public educational agency shall keep confidential any record maintained on a child with a disability in conformance with OAR 581-21-220 through 581-21-440.

Stat. Auth.: ORS 343.041, 343.045 & 343.055
Stats. Implemented: ORS 343.045 & 343.155
Hist.: 1EB 261, f. 6-2-77, ef. 6-3-77; 1EB 10-1978, f. & ef. 3-3-78; EB 11-1995, f. & cert. ef. 5-25-95

Advanced Payment to School Districts for Special Education Programs

581-15-057 (1) In accordance with ORS 343.281, a school district or education district that operates a special education program approved by the State Superintendent of Public Instruction may receive partial reimbursement for said program on an advanced payment system.

(2) Advance payments paid by the Oregon Department of Education to the school district shall be made on a quarterly basis.

(3) The first three advance payments shall be calculated either upon the district's reimbursement for the prior year or the district's estimated costs for special education for the coming school year, at the discretion of the Department.

(4) The fourth payment shall be based upon the district's approved reimbursement for the current claim less the three advance payments.

(5) In no event will the fourth payment be remitted until final auditing of a district's claim by the Department has been completed.

Stat. Auth.: ORS Ch. 343
Stats. Implemented: ORS 343.281
Hist.: 1EB 269, f. & ef. 12-22-77; 1EB 14-1979, f. 10-4-79, ef 10-5-79

Requirement for Least Restrictive Environment

581-15-059 School districts shall insure that:

(1) To the maximum extent appropriate, children with disabilities are educated with children who are not disabled; and

(2) The removal of children with disabilities from the regular educational environment in any way occurs only when the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

Stat. Auth.: ORS 343.041, 343.045 & 343.055
Stats. Implemented: ORS 343.045 & 343.155
Hist.: 1EB 269, f. & ef. 12-22-77; EB 11-1995, f. & cert. ef. 5-25-95

Alternative Placements and Supplementary Services

581-15-060 School districts shall insure that a continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services. The continuum shall:

(1) Include as alternative placements instruction in regular classes, special classes, special schools, home instruction and instruction in hospitals and institutions.

(2) Make provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement.

Stat. Auth.: ORS 343.041, 343.045 & 343.055
Stats. Implemented: ORS 343.045 & 343.155
Hist.: 1EB 269, f. & ef. 12-22-77; EB 11-1995; f. & cert. ef. 5-25-95

Placement of the Child

581-15-061 School districts shall insure that:

(1) The educational placement of a child with a disability:

(a) Is determined annually;

(b) Is based on his or her individualized education program; and

(c) Is as close as possible to the child's home.

(2) The alternative placements under OAR 581-15-060 are available to the extent necessary to implement the individualized education program for each child with a disability;

(3) Unless the individualized education program of a child with a disability requires some other arrangement, the child is educated in the school which he or she would attend if not disabled; and

(4) In selecting the least restrictive environment, consideration is given to any potential harmful effect on the child or on the quality or services which he or she needs.

Stat. Auth.: ORS 343.041, 343.045 & 343.055
Stats. Implemented: ORS 343.045 & 343.155
Hist.: 1EB 269, f. & ef. 12-22-77; EB 11-1995, f. & cert. ef. 5-25-95

Nonacademic Settings

581-15-062 School districts shall insure that each child with a disability participates in nonacademic and extracurricular services and activities with children who are not disabled to the maximum extent appropriate to the needs of that child.

Stat. Auth.: ORS 343.041, 343.045 & 343.055
Stats. Implemented: ORS 343.045 & 343.155
Hist.: 1EB 269, f. & ef. 12-22-77; EB 11-1995, f. & cert. ef. 5-25-95

Effective Dates of Individualized Education Program

581-15-064 (1) On October 1, 1977, and at the beginning of each school year thereafter, school districts shall have an individualized education program for each child with a disability who is receiving special education from the district.

(2) An individualized education program shall:

(a) Be written before special education is provided to a child; and

(b) Be implemented as soon as possible following the meetings held under OAR 581-15-065.

Stat. Auth.: ORS 343.041, 343.045 & 343.055
Stats. Implemented: ORS 343.045 & 343.155
Hist.: 1EB 269, f. & ef. 12-22-77; EB 11-1995, f. & cert. ef. 5-25-95

Meetings to Develop Individualized Education Program

581-15-065 (1) School districts shall initiate and conduct meetings for the purpose of developing, reviewing and revising the individualized education program of a child with a disability:

(a) For children whom the agency has already determined will receive special education during the 1977-78 school year, early enough to insure that an individualized education program is developed by October 1, 1977; and

(b) For all other children with disabilities, within 30 calendar days of a determination that the child needs special education.

(2) School districts shall initiate and conduct meetings to review and revise as appropriate each child's individualized education program at least once a year.

Stat. Auth.: ORS 343.041, 343.045 & 343.055
Stats. Implemented: ORS 343.045 & 343.155
Hist.: 1EB 269, f. & ef. 12-22-77; EB 11-1995, f. & cert. ef. 5-25-95

Participants in Meetings

581-15-066 School districts shall insure that each meeting includes the following participants:

(1) The child's teacher (the teacher of child receiving special education is the child's special education teacher or speech-language pathologist, the teacher of a child being considered for placement in special education is the child's regular teacher or a teacher qualified in the program in which the child may be placed and the teacher of a child not in school or who has more than one teacher is a teacher designated by the school district);

(2) A representative of the school district, other than the child's teacher, who is qualified to provide, or supervise the provision of special education;

(3) One or both of the child's parents except as provided in OAR 581-15-067;

(4) The child where appropriate;

(5) For a child with a disability who has been evaluated for the first time, a member of the evaluation team or some other person who is knowledgeable about the evaluation procedures used and familiar with the results of the evaluation procedures used;

(6) Other individuals at the discretion of a parent or the school district; and

(7) Transition services participants:

(a) If a purpose of the meeting is the consideration of transition services for a student, the school district shall invite:

(A) The student; and

(B) A representative of any other agency that is likely to be responsible for providing or paying for transition services.

(b) If the student does not attend the meeting, the school district shall take other steps to ensure that the student's preferences and interests are considered; and

(c) If an agency invited to send a representative to a meeting does not do so, the school district shall take other steps to obtain the participation of the other agency in the planning of any transition services.

Stat. Auth.: ORS Ch. 343
Stats. Implemented: ORS 343.045 & 343.155
Hist.: 1EB 269, f. & ef. 12-22-77; EB 9-1993, f. & cert. ef. 3-25-93

Parental Participation

581-15-067 (1) School districts shall take steps to insure that one or both parents are at the meeting required by OAR 581-15-065 or have an opportunity to participate, including scheduling the meeting at a mutually agreed upon time and place and providing parents with a written notice of the meeting sufficiently in advance to insure that they will have an opportunity to attend. The written notice shall state the purpose, time and place of the meeting and who will attend. The school district shall take whatever action is necessary to insure that the parent understands the proceedings at a meeting, including arranging for an interpreter for parents who are deaf or whose native language is other than English:

(a) If neither parent can attend, the school district shall use other methods to insure parent participation, including, but not limited to, individual or conference phone calls or home visits;

(b) A meeting may be conducted without a parent in attendance if the school district is unable to convince the parents to attend, in which case the school district must have a detailed record of its attempts to arrange a mutually agreed on time and place.

(2) If a purpose of the meeting is to consider transition services for a student, the notice shall also:

(a) Indicate this purpose;

(b) Indicate that the school district will invite the student; and

(c) Identify any other agency that will be invited to send a representative.

(3) Upon request, the school district shall give the parent a copy of the individualized education program.

Stat. Auth.: ORS 343.041, 343.045 & 343.055
Stats. Implemented: ORS 343.045 & 343.155

Hist.: 1EB 269, f. & ef. 12-22-77; EB 9-1993, f. & cert. ef. 3-25-93; EB 11-1995, f. & cert. ef. 5-25-95

Content of Individual Education Program

581-15-068 The individualized education program shall include:

(a) A statement of the child's present levels of educational performance.

(b) A statement of annual goals, including short-term instructional objectives.

(c) A statement of the specific special education and related services to be provided to the child, and the extent to which the child will be able to participate in regular educational programs.

(d) The projected dates for initiation of services and the anticipated duration of the services.

(e) Appropriate objective criteria and evaluation procedures and schedules for determining, on at least an annual basis, whether the short-term instructional objectives are being achieved.

(2) The individualized education program for each student, beginning no later than age 16 (and at a younger age, if determined appropriate), must include a statement of the needed transition services as defined in OAR 581-15-005(25), including, if appropriate, a statement of the school district's and each participating agency's responsibilities or linkages, or both, before the student leaves the school setting. If the individualized education program team determines that services are not needed in the areas of instruction, community experiences, and the development of employment and other postschool adult living objectives, the individualized education program must include a statement to that effect and the basis upon which the determination was made.

Stat. Auth.: ORS 343.045, 343.055 & 343.195
Stats. Implemented: ORS 343.045 & 343.155
Hist.: 1EB 269, f. & ef. 12-22-77; EB 9-1993, f. & cert. ef. 3-25-93

Accountability Under Individualized Education Programs

581-15-069 School districts shall provide special education and related services to a child with a disability in accordance with an individualized education program. No school district, teacher or other person shall, however, be held accountable if a child does not achieve the growth projected in the annual goals and objectives.

Stat. Auth.: ORS 343.041, 343.045 & 343.055
Stats. Implemented: ORS 343.045 & 343.155
Hist.: 1EB 269, f. & ef. 12-22-77; EB 11-1995, f. & cert. ef. 5-25-95

School District and Participating Agency Responsibilities for Transition Services

581-15-070 (1) If a participating agency fails to provide agreed-upon transition services contained in the individualized education program of a student with a disability, the school district responsible for the student's education shall, as soon as possible, initiate a meeting for the purpose of identifying alternative strategies to meet the transition objectives and, if necessary, revising the student's individualized education program.

(2) Nothing in this part relieves any participating agency, including a state vocational rehabilitation agency, of the responsibility to provide or pay for any transition service that the agency would otherwise provide to students with disabilities who meet the eligibility criteria of that agency.

Stat. Auth.: ORS 343.045, 343.055 & 343.195
Stats. Implemented: ORS 343.045, 343.155 & 343.195
Hist.: EB 9-1993, f. & cert. ef. 3-25-93

Evaluation Required

581-15-071 (1) Before any action is taken with respect to the initial placement of a child with a disability in a special education program, a full individual evaluation of the child's educational needs must be conducted in accordance with OAR 581-15-051 and OAR 581-15-072.

(2) A preplacement evaluation shall be conducted to determine if a child is eligible for special education services when an educational agency suspects or has reason to suspect that:

(a) The child may have a disability that has an adverse impact:

(A) On the child's educational performance when the child is at the age of eligibility for kindergarten through age 21; or

(B) On the child's developmental progress when the child is age three through the age of eligibility for kindergarten; and

(b) The child may need special education services as a result of the disability;

(c) To make this determination, the educational agency shall designate a multidisciplinary team of at least two professionals, at least one of whom shall be a specialist knowledgeable and experienced in the evaluation and education of children with disabilities.

(3) A referral for a preplacement evaluation may be submitted to the educational agency by the parent of a child or by the staff of the educational agency.

(4) The educational agency shall provide prior written notice to the parent pursuant to OAR 581-15-075 if the educational agency refuses to evaluate the child.

(5) The parent shall have the right to request a due process hearing pursuant to OAR 581-15-081 if the parent disagrees with the educational agency's decision.

Stat. Auth.: ORS 343.045, 343.155 & 343.157
Stats. Implemented: ORS 343.164, 343.157, 343.045, 343.155; 20 USC § 1401(a)(1)(A), 20 USC § 1412(5)(c), 20 USC § 1415(6)
Hist.: 1EB 269, f. & ef. 12-22-77; EB 22-1995, f. & cert. ef. 9-15-95

Evaluation Procedures

581-15-072 Educational agencies shall insure that:

(1) Procedures tests and other evaluation materials used for evaluating children with disabilities:

(a) Are selected and administered so as not to be racially or culturally discriminatory;

(b) Are provided and administered in the child's native language or other mode of communication, unless it is clearly not feasible to do so;

(c) Have been validated for the specific purpose for which they are used; and

(d) Are administered by trained personnel in conformance with the instructions provided by their producer.

(2) Tests and other evaluation materials include those tailored to assess specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient;

(3) Tests are selected and administered to assure that, when a test is administered to a child with impaired sensory, manual or speaking skills, the test results accurately reflect the child's aptitude or achievement level or whatever factors the test purports to measure rather than reflecting the child's impaired skills, except where those skills are the factors which the test purports to measure;

(4) No single procedure is used as the sole criterion for determining an appropriate educational program for the child;

(5) The evaluation is made by a multidisciplinary team as defined in OAR 581-15-053(1) and (2) or OAR 581-15-943(1);

(6) The child is assessed in all areas related to the suspected disability, including, where appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status and motor abilities; and

(7) The evaluation is completed within a reasonable period of time.

Stat. Auth.: ORS 343.045; 343.155; 343.157 & 343.164
Stats. Implemented: ORS 343.164, 343.157, 343.045, 343.155; 20 USC § 1412(5)(c)
Hist.: 1EB 269, f. & ef. 12-22-77; 1EB 20-1978, f. 6-19-78, ef. 6-20-78; EB 2-1993, f. & cert. ef. 1-13-93; EB 22-1995, f. & cert. ef. 9-15-95

Interpretation and Placement

581-15-073 (1) If a determination is made that a child is disabled and needs special education services, an individualized education program or individualized family service plan shall be developed for the child in accordance with OAR 581-15-068 or OAR 581-15-970.

(2) In interpreting evaluation data and in making placement decisions, multidisciplinary teams shall:

(a) Draw upon information from a variety of sources, including but not limited to, aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background and adaptive behavior;

(b) Insure that information obtained from all these sources is documented and carefully considered;

(c) Insure that the placement decision is made by a group of persons, including persons knowledgeable about the child, the meaning of the evaluation data and the placement options; and

(d) Insure that the placement decision is made in conformity with the least restrictive environment provisions in OAR 581-15-059 through OAR 581-15-062.

Stat. Auth.: ORS 343.04, 343.155 & 343.157
Stats. Implemented: ORS 343.157, 343.045, 343.155; 20 USC § 1412(5)(c), 20 USC § 1414(a)(5)
Hist.: 1EB 269, f. & ef. 12-22-77; EB 22-1995, f. & cert. ef. 9-15-95

Reevaluation

581-015-0074 (1) Educational agencies shall insure that, in accordance with OARs 581-15-071, 581-15-072, 581-15-941, and 581-15-960(1) and (2), an evaluation of each child with a disability is conducted every three years, or more frequently if conditions warrant or if the child's parent or teacher requests an evaluation.

(2) When reevaluating a child currently receiving special education services, the multidisciplinary team shall conduct a full and individual evaluation of the child's educational needs and shall assess the child in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities.

(3) A child's multidisciplinary team shall determine the assessments that shall be given in a reevaluation. The assessments shall be consistent with the provisions in this rule.

(4) The reevaluation of a child shall include current assessments that address all of the required evaluation components of an initial evaluation. A review of the child's educational records and an observation for a child, alone, shall not constitute a current assessment of an evaluation component unless those procedures are specifically required under the disability category being considered.

(5) For a child who is receiving special education services under the category of mental retardation, the readministration of a standardized intelligence test does not have to be conducted if the child has been given at least two previous standardized intelligence tests and the child's multidisciplinary team has collected current data to demonstrate that the former standardized intelligence tests continue to accurately reflect the child's present abilities. The multidisciplinary team shall document which data are used, the team's interpretation of the data, and the team's conclusions.

(6) The child's multidisciplinary team shall determine whether it is necessary in a reevaluation of a child to obtain a developmental history, medical statement, health assessment statement or written statement by an optometrist. The multidisciplinary team shall document its reasons if it determines that any of these assessments are unnecessary.

(7) With the exception of a reevaluation of a student with a learning disability addressed in section (8) of this rule, the reevaluation of the child shall establish that the child continues to meet the minimum eligibility criteria for a disability category set forth in OAR 581-15-051 and OAR 581-15-942.

(8) The minimum criteria requiring a severe discrepancy in OAR 581-15-051(12)(b)(B) for a student having a specific learning disability is only for an initial evaluation for entry into a special education program. In the case of a reevaluation of a student having a learning disability, the discrepancy between the student's ability and achievement need only be discrepant, but not necessarily severe. The multidisciplinary team shall document the extent of the discrepancy and whether the student continues to need special education services on the basis of that discrepancy.

(9) The multidisciplinary team shall comply

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with the procedures set forth in OAR 581-015-0053.

Stat. Auth.: ORS 343.157 & 343.173
Stats. Implemented: ORS 343.157, 343.173; 20 USC § 1412(5)(c)
Hist.: 1EB 269, f. & ef. 12-22-77; EB 22-1995, f. & cert. ef. 9-15-95

Prior Written Notice Required for Identification, Evaluation, or Placement or the Provision of a Free Appropriate Public Education

581-15-075 (1) Prior written prior notice shall be given to the parent of a child, within a reasonable period of time before a school district proposes to initiate or change, or refuses to initiate or change, the identification, evaluation, or educational placement of the child, or the provision of a free appropriate public education to the child.

(2) The content of the prior written notice shall include:

(a) A description of the action proposed or refused by the school district;

(b) An explanation of why the district proposed or refused to take the action;

(c) A description of any options which the school district considered and reasons why those options were rejected;

(d) A description of each evaluation procedure, test, record, or report which is directly relevant to the proposal or refusal;

(e) A description of any other factors which are relevant to the school district's proposal or refusal; and

(f) A description of all of the procedural safeguards available to the parent as listed in the **January 1994 Parent Rights Brochure published by the Department of Education** which is set forth in **Attachment A** of this rule:

(3) The prior notice shall be:

(a) Written in language understandable to the general public; and

(b) Provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so.

(4) If the native language or other mode of communication of the parent is not a written language, the school district shall take steps to insure that:

(a) The notice is translated orally or by other means to the parent in the parent's native language or other mode of communication;

(b) A reasonable effort is made to aid the parent in understanding the content of the notice; and

(c) There is written evidence that the requirements in subsections (4)(a) and (b) of this rule have been met.

[Publications: The publication(s) and Attach-ment A referred to or incorporated by reference in this rule are available from the Vocational Rehabilitation Division.]

Stat. Auth.: ORS 343.041, 343.045 & 343.055
Stats. Implemented: ORS 343.045, 343.155 & 343.164
Hist.: 1EB 18-1979(Temp), f. & ef. 11-15-79; 1EB 5-1980, f. 2-22-80, ef. 2-23-80; EB 28-1989(Temp), f. & cert. ef. 10-16-89; EB 3-1990, f. & cert. ef. 1-26-90; EB 11-1995, f. & cert. ef. 5-25-95

[ED. NOTE: The text of Temporary Rules is not printed in the Oregon Administrative Rules Compilation. Copies may be obtained from the adopting agency or the Secretary of State.]

When Prior Notice is Required

581-15-076 [1EB 269, f. & ef. 12-22-77;
1EB 37-1978, f. 9-22-78, ef. 10-5-78;
Repealed by 1EB 22-1979,
f. & ef. 11-15-79]

Contents of Prior Notice

581-15-077 [1EB 269, f. & ef. 12-22-77;
Repealed by 1EB 22-1979,
f. & ef. 11-15-79]

Form of Prior Notice

581-15-078 [1EB 269, f. & ef. 12-22-77;
Repealed by 1EB 22-1979,
f. & ef. 11-15-79]

Notice of Hearing and Hearing Rights

581-15-080 (1) Upon receipt of a written request by a parent, or the school district for a hearing regarding the identification, evaluation, individualized education program, educational placement of the child or the provision of a free appropriate public education to a child, the Superintendent shall appoint a hearing officer, in accordance with OAR 581-15-096, to conduct the hearing. The hearings officer shall provide a notice to the parties of the hearing. The notice shall be served by registered or certified mail.

(2) Content of the notice shall include:

(a) A statement of the time and place of the hearing;

(b) A statement of the authority and jurisdiction under which the hearing is to be held;

(c) A reference to the particular sections of the statutes and rules involved;

(d) A short and plain statement of the matters asserted or charged;

(e) A statement that, during the pendency of any administrative or judicial proceeding, the child shall remain in the present educational placement unless the school district and the parent agree otherwise for the provision of appropriate educational services. If applying for initial admission to a public school the child, with consent of the parent, shall be placed in a program provided or selected by the district at the district's expense until all proceedings are completed;

(f) A statement that any party to a hearing has the right to:

(A) Be accompanied and advised by counsel and by individuals who have special knowledge or training with respect to the problems of children with disabilities. The notice shall advise the parent to contact the district for information regarding any free or low-cost legal and other relevant services available in the area and that the parent may seek an attorneys' fees award if he or she prevails;

(B) Present evidence and confront, cross-examine, and compel the attendance of witnesses;

(C) Obtain a written or electronic verbatim record of the hearing pursuant to OAR 581-15-092; and

(D) Obtain a copy of the hearing decision.

(g) A statement that the parent involved in a hearing shall be given the right to:

(A) Have the child present who is the subject of the hearing; and

(B) Open the hearing to the public.

(3) The notice shall be:

(a) Written in language understandable to the general public; and

(b) Provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so.

(4) If the native language or other mode of communication of the parent is not a written language, steps shall be taken to insure that:

(a) The notice is translated orally or by other means to the parent in his or her native language or other mode of communication;

(b) A reasonable effort is made to aid the parent in understanding the content of the notice; and

(c) There is written evidence that the requirements in subsections (4)(a) and (b) of this rule have been met.

Stat. Auth.: ORS 343.041, 343.045 & 343.055
Stats. Implemented: ORS 343.045, 343.055 & 343.155
Hist.: 1EB 18-1979(Temp), f. & ef. 11-15-79; 1EB 5-1980, f. 2-22-80, ef. 2-23-80; EB 28-1989(Temp), f. & cert. ef. 10-16-89; EB 29-1989(Temp), f. & cert. ef. 10-16-89; EB 3-1990, f. & cert. ef. 1-26-90; EB 9-1992, f. & cert. ef. 4-7-92; EB 11-1995, f. & cert. ef. 5-25-95

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When Hearing May be Requested

581-15-081 (1) A parent may request a hearing when he or she does not agree with the identification, evaluation, educational placement of a child, or the provision of a free appropriate education to a child who may be disabled.

(2) A school district may, but is not obligated to, request a hearing when a parent refuses to give consent for a preplacement evaluation and before a student is initially placed in a special education program.

(3) For a child who is currently receiving special education services, a school district shall implement procedures, including obtaining either a court order or requesting a due process hearing, to override a parent's refusal to give consent for the administration of an individual intelligence test or a test of personality, or refusal to cooperate in any activity deemed necessary by the school district to provide the child with a free appropriate public education if informal means, such as parent conferences or meditation, proved unsuccessful. If a school district reconsiders and determines, based upon a review of the information provided by the parents or after reconsideration of its evaluation data or new information, that the current requested activity is not necessary to provide the student with a free appropriate public education, the school district is not obligated to initiate procedures to override the parent's lack of consent or cooperation.

(4) When a parent requests an independent educational evaluation or reimbursement for an independent educational evaluation, a school district shall either pay for the independent educational evaluation, or if the school district believes that its evaluation is appropriate, it shall request a due process hearing.

(5) The hearings officer shall require the parties to appear in person or by telephone for a prehearing conference for the purpose of identifying the issues to be resolved, establishing the length of the hearing, and reviewing the parties' hearing rights and procedures. The hearings officer shall notify the parties of the availability of mediation services through the Oregon Department of Education. Participation in mediation shall be voluntary.

(6) The school district shall inform a parent of any free or low-cost legal services available in the area if:

(a) A parent requests the information; or

(b) A parent or the school district initiates a hearing under this rule.

(7) The Department shall supply districts with a list of free or low-cost legal services.

Stat. Auth.: ORS 343.045, 343.055 & 343.155
Stats. Implemented: ORS 343.045, 343.155 & 343.165
Hist.: 1EB 269, f. & ef. 12-22-77; 1EB 18-1979(Temp), f. & ef. 11-15-79; 1EB 5-1980, f. 2-22-80, ef. 2-23-80; EB 28-1989(Temp), f. & cert. ef. 10-16-89; EB 3-1990, f. & cert. ef. 1-26-90; EB 9-1992, f. & cert. ef. 4-7-92; EB 9-1993, f. & cert. ef. 3-25-93

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Appointment of Hearings Officer and Notice of Hearing

581-15-082 [1EB 269, f. & ef. 12-22-77;
Repealed by 1EB 22-1979,
f. & ef. 11-15-79]

Request for Party Status

581-15-083 [1EB 269, f. & ef. 12-22-77;
Repealed by 1EB 22-1979,
f. & ef. 11-15-79]

Failure to Appear at a Hearing

581-15-084 (1) When a parent, having requested a hearing, fails to appear at the specified time and place, the hearings officer shall enter a decision which supports the school district action.

(2) The decision supporting the school district's action shall set forth the material on which the action is based, or the material shall be attached to and made a part of the decision.

Stat. Auth.: ORS 343.041, 343.045 & 343.055
Stats. Implemented: ORS 343.045, 343.155 & 343.165
Hist.: 1EB 269, f. & ef. 12-22-77; 1EB 18-1979(Temp), f. & ef. 11-15-79; 1EB 5-1980, f. 2-22-80, ef. 2-23-80; EB 11-1995, f. & cert. ef. 5-25-95

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Subpoenas and Depositions

581-15-085 (1) Subject to section (2) of this rule, a hearings officer may upon request by either party issue subpoenas to compel the attendance of witnesses.

(2) Before issuing subpoenas to the requesting party, the hearings officer may require a showing of need, general relevancy and the evidence to be given by the witness to be within the reasonable scope of the proceedings.

(3) On petition of any party, the hearings officer may order the testimony of any material witness to be taken by deposition in the manner prescribed by ORS Chapter 45 for depositions in civil cases. The petition shall include:

(a) The name and address of the witness whose testimony is desired;

(b) A showing of materiality of the testimony; and

(c) A request for an order that the testimony of the witness be taken before an officer named in the petition for that purpose.

(4) If the hearings officer issues an order for the taking of a deposition and the witness resides in this state and is unwilling to appear, the hearings officer may issue a subpoena as provided in section (1) of this rule requiring the witness's appearance before the officer taking the deposition.

(5) Any witness appearing pursuant to subpoena, other than parties or officers or employees of the school district, shall be tendered fees and mileage as prescribed by law in civil actions. The party requesting the subpoena shall be responsible for service of the subpoena and tendering the fees and mileage to the witness.

Stat. Auth.: ORS 343.041, 343.045 & 343.055
Stats. Implemented: ORS 343.045, 343.155 & 343.165
Hist.: 1EB 269, f. & ef. 12-22-77; 1EB 18-1979(Temp), f. & ef. 11-15-79; 1EB 5-1980, f. 2-22-80, ef. 2-23-80; EB 11-1995, f. & cert. ef. 5-25-95

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Conduct of Hearing

581-15-086 (1) The hearing shall be conducted by and shall be under the control of the hearings officer appointed under OAR 581-15-080.

(2) At the discretion of the hearings officer, the hearing shall be conducted in the following manner:

(a) Statement and evidence of the school district in support of its action;

(b) Statement and evidence of the parents disputing the school district action;

(c) Rebuttal testimony.

(3) The hearings officer, counsel or other representatives of the parties, and the parents if the parents are not represented, shall have the right to question or cross-examine any witnesses.

(4) The hearing may be continued with recesses as determined by the hearings officer.

(5) The hearings officer may set reasonable time limits for oral presentation and may exclude or limit cumulative, repetitious or immaterial matter.

(6) Exhibits shall be marked, and the markings shall identify the person offering the exhibits. The exhibits shall be preserved by the Superintendent as part of the record of the proceedings.

Stat. Auth.: ORS Ch. 343
Stats. Implemented: ORS 343.045, 343.155 & 343.165
Hist.: 1EB 269, f. 12-22-77, ef. 12-22-77; EB 28-1989(Temp), f. & cert. ef. 10-16-89; EB 3-1990, f. & cert. ef. 1-26-90

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Evidence

581-15-087 (1) Evidence of a type commonly relied upon by reasonably prudent persons in conduct of their serious affairs shall be admissible, except written evidence which has not been disclosed to both parties at least five days before the hearing.

(2) Upon objection by a party the hearings officer may exclude evidence which the hearing officer finds to be irrelevant, immaterial, or unduly repetitious.

(3) Evidence objected to may be received by the hearings officer with rulings on its admissibility or exclusion to be made at the time a final order is issued.

Stat. Auth.: ORS 343.041, 343.045 & 343.055
Stats. Implemented: ORS 343.045, 343.155 & 343.165
Hist.: 1EB 269, f. & ef. 12-22-77; 1EB 18-1979(Temp), f. & ef. 11-15-79; 1EB 5-1980, f. 2-22-80, ef. 2-23-80; EB 17-1990, f. & cert. ef. 4-5-90; EB 11-1995, f. & cert. ef. 5-25-95

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Decision of Hearings Officer

581-15-088 (1) The decision of the hearings officer in a contested case shall be made pursuant to ORS 343.167.

(2) The decision shall be entered not later than 45 days after the request for hearing is filed unless a specific extension has been granted by the hearings officer at the request of a party.

(3) A copy of the hearing decision shall be sent to the parent and school district accompanied by a statement describing the method of appealing the decision.

(4) The hearings officer shall submit a copy of the hearing decision to the State Advisory Council for Special Education.

(5) The hearings officer shall write the hearing decision in such a manner so that personally identifiable information shall not be disclosed. Students shall be referred to by initials only, and no parent names shall be used.

(6) The hearing decision shall be made available to the public.

Stat. Auth.: ORS 343.041, 343.045 & 343.055
Stats. Implemented: ORS 343.045, 343.167 & 343.175
Hist.: 1EB 269, f. & ef. 12-22-77; 1EB 18-1979(Temp), f. & ef. 11-15-79; 1EB 5-1980, f. 2-22-80, ef. 2-23-80; EB 28-1989(Temp), f. & cert. ef. 10-16-89; EB 3-1990, f. & cert. ef. 1-26-90; EB 9-1993, f. & cert. ef. 3-25-93; EB 11-1995, f. & cert. ef. 5-25-95

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Final Order

581-15-089 [1EB 269, f. & ef. 12-22-77;
1EB 41-1978,
f. 10-31-78, ef. 11-1-78;
Repealed by 1EB 22-1979,
f. & ef. 11-15-79]

Reconsideration and Rehearing

581-15-090 [1EB 269, f. & ef. 12-22-77;

Repealed by 1EB 22-1979,
f. & ef. 11-15-79]

Informal Disposition

581-15-091 Nothing contained herein shall be construed to preclude any system of consultations or conferences with parents that is used by school districts with regard to identification, evaluation or educational placement of a child with a disability. Such conferences or consultations, however, shall not be held in lieu of a hearing requested under OAR 581-15-081 if one is requested. A request for a hearing shall not preclude informal disposition of the matter by stipulation, agreed settlement or consent order.

Stat. Auth.: ORS 343.041, 343.045 & 343.055
Stats. Implemented: ORS 343.045, 343.155 & 343.165
Hist.: 1EB 269, f. & ef. 12-22-77; EB 11-1995, f. & cert. ef. 5-25-95

Right to Record of Hearing

581-15-092 Upon request parties have the right to obtain a written or electronic verbatim recording of the hearing. A district has the option to choose whether the recording will be in either written or electronic form. If a parent or a parent's representative requests a recording, it shall be provided by the district at no cost.

Stat. Auth.: ORS Ch. 183, 343.045, 343.055 & 343.155
Stats. Implemented: ORS 343.045 & 343.155
Hist.: 1EB 269, f. & ef. 12-22-77; 1EB 18-1978(Temp), f. & ef. 11-15-79; 1EB 5-1980, f. 2-22-80, ef. 2-23-80; EB 2-1990, f. & cert. ef. 1-26-90; EB 9-1992, f. & cert. ef. 4-7-92

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Hearing Costs

581-15-093 The school district shall reimburse the Department for the hearings officer's costs for conducting the hearing and the cost of any written or electronic verbatim recording of the hearing.

Stat. Auth.: ORS 343.045, 343.055 & 343.155
Stats. Implemented: ORS 343.045, 343.155 & 343.167
Hist.: EB 28-1989(Temp), f. & cert. ef. 10-16-89; EB 3-1990, f. & cert. ef. 1-26-90; EB 9-1992, f. & cert. ef. 4-7-92

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Independent Educational Evaluation

581-15-094 (1) If a parent disagrees with an evaluation, obtained by a school district under OAR 581-15-071 or 581-15-074, the parent may request an independent evaluation at the expense of the district by a qualified examiner who is not employed by the school district responsible for the child.

(2) If the school district disagrees with the parent's request for an independent evaluation, the school district may request a hearing under ORS 343.165 and OAR 581-15-081 to show that the evaluation conducted by the school district is appropriate. If the final decision of the hearings officer is that the school district's evaluation is appropriate, the parent has the right to an independent educational evaluation, but not at the school district's expense.

(3) The results of an independent educational evaluation:

(a) Shall be communicated promptly to the school district;

(b) Shall be considered by the school district with regard to any further action taken concerning the child; and

(c) May be presented as evidence at a subsequent hearing regarding placement of the child.

(4) Whether an independent educational evaluation is requested or not, the parent shall be given an opportunity to examine all records with respect to the identification, preplacement or annual evaluation, individualized education program and educational placement of the child.

(5) The school district shall maintain a list of public and private agencies from which an independent educational evaluation may be obtained and shall furnish the list to parents upon request.

(6) A hearings officer in any proceeding under ORS 343.165 may request an independent evaluation as a part of the hearing, and the school district shall pay the cost of the evaluation.

Stat. Auth.: ORS 343.041, 343.045 & 343.055
Stats. Implemented: ORS 343.045, 343.155 & 343.173
Hist.: 1EB 269, f. & ef. 12-22-77; 1EB 18-1979(Temp), f. & ef. 11-15-79; 1EB 5-1980, f. 2-22-80, ef. 2-23-80; EB 28-1989(Temp), f. & cert. ef. 10-16-89; EB 3-1990, f. & cert. ef. 1-26-90; EB 11-1995, f. & cert. ef. 5-25-95

[**ED. NOTE:** The text of Temporary Rules is not printed in the Oregon Administrative Rules Compilation. Copies may be obtained from the adopting agency or the Secretary of State.]

Criteria for Impartial Hearings Officers

581-15-096 (1) A hearings officer appointed to conduct a hearing regarding the identification, evaluation, educational placement of a child, or the provision of a free appropriate education to a child who may have a disability shall:

(a) Not be employed by a public agency responsible for the education or care of the child; and

(b) Not have a professional or personal interest which would conflict with his or her objectivity in the hearing.

(2) Hearings officers shall be selected from persons who have:

(a) Completed workshops for hearings officers sponsored by the Department of Education, the Oregon State Board of Education, or the Oregon Association of Administrative Law Judges;

(b) Completed continuing legal education courses covering issues involved in the hearing; or

(c) Had experience handling hearings of an equivalent complexity.

(3) The Oregon Department of Education shall keep a list of the persons serving as hearings officers which shall include a statement of the qualifications of each of those individuals.

Stat. Auth.: ORS 343.041, 343.045 & 343.055
Stats. Implemented: ORS 343.045, 343.155 & 343.165
Hist.: 1EB 269, f. & ef. 12-22-77; EB 28-1989(Temp), f. &

cert. ef. 10-16-89; EB 3-1990, f. & cert. ef. 1-26-90; EB 11-1995, f. & cert. ef. 5-25-95

[ED. NOTE: The text of Temporary Rules is not printed in the Oregon Administrative Rules Compilation. Copies may be obtained from the adopting agency or the Secretary of State.]

Selecting Persons as Surrogate Parents for Handicapped Children

581-15-098 [1EB 269, f. & ef. 12-22-77;
Repealed by 1EB 22-1979,
f. & ef. 11-15-79]

Surrogate Parents

581-15-099 (1) As defined in ORS 343.153 each school district shall insure that the rights of a child are protected when:

(a) The parent, as defined in OAR 581-15-005(13), cannot be identified or located after reasonable efforts; or

(b) The child is a ward of the state and there is reasonable cause to believe that the child has a disability.

(2) In determining the need for a surrogate, the school district shall consider whether it is likely to take any action regarding the child which would require notice under OAR 581-15-075 to the parents, substitute care provider, or state agency which has legal guardianship of the child.

(3) Each school district shall secure nominations of persons to serve as surrogates. The nominees must be approved by the school district which shall use criteria for selection of a surrogate that insures that each nominee:

(a) Is not an employee of the Oregon Department of Education;

(b) Is not an employee of a public agency involved in the education or care of the child;

(c) Is free of any conflict of interest that would interfere with representing the child's special education interests; or

(d) Has or can acquire the necessary knowledge and skills to represent the parent to protect the special education rights of the child.

(4) An appointed surrogate parent shall be given written prior notice by the school district of any proposal to initiate or change, or refusal to initiate or change the identification, preplacement or annual evaluation, individualized educational plan, educational placement of the child, or the provision of a free appropriate public education to the child.

(5) A surrogate shall not be considered an employee of a school district solely on the basis that the surrogate is compensated from public funds.

(6) The duties of the surrogate parent are to:

(a) Protect the special education rights of the child;

(b) Be acquainted with the child's disability and the child's special education needs;

(c) Represent the child in all matters relating to the identification, preplacement or annual evaluation, individualized education program and educational placement of the child; and

(d) Represent the child in all matters relating to the provision of a free appropriate public education to the child.

(7) A surrogate shall have the same rights granted to a parent in a hearing under OAR 581-15-080 if the identification, evaluation, individual education program or placement of the child is contested, and the procedures regarding hearings set forth in OAR 581-15-081 through 581-15-091 shall apply.

(8) A parent may give written consent for a surrogate to be appointed when:

(a) A parent does not wish to participate or circumstances clearly make it not feasible for the parent to participate in protecting the special education rights of the child; or

(b) The parent lives at such a distance from the child's educational placement that it is not practicable to participate in protecting the special education rights of the child.

(9) When a parent requests that a surrogate be appointed, the parent shall retain all parental rights to receive notice under OAR 581-15-067(1) and 581-15-075 and all of the information provided to the surrogate. The surrogate, alone, shall be responsible for all matters relating to the special education of the child unless the parent revokes consent for the surrogate's appointment pursuant to section (10) of this rule.

(10) If a parent gives written consent for a surrogate to be appointed under section (8) of this rule, the parent may revoke consent at any time by providing a written request to revoke the surrogate's appointment.

(11) The school district may change or terminate the appointment of a surrogate when:

(a) The person appointed as surrogate is no longer willing to serve;

(b) The child reaches 21 years of age or the child's elementary/secondary schooling is terminated;

(c) The child is no longer eligible for special education services;

(d) The legal guardianship of the child is transferred to a person who is able to carry out the role of the parent;

(e) The parent, who previously could not be identified or located, is now identified or located; or

(f) The appointed surrogate is no longer eligible.

(12) A person appointed as surrogate shall not be held liable for actions taken in good faith on behalf of the parent in protecting the special education rights of the child.

(13) The school district shall not appoint a surrogate when the parent is uncooperative or unresponsive to the special education needs of the child.

Stat. Auth.: ORS 343.041, 343.045 & 343.055
Stats. Implemented: ORS 343.045 & 343.155
Hist.: 1EB 18-1979(Temp), f. & ef. 11-15-79; 1EB 5-1980, f. 2-22-80, ef. 2-23-80; EB 9-1992, f. & cert. ef. 4-7-92; EB 11-1995, f. & cert. ef. 5-25-95

[ED. NOTE: The text of Temporary Rules is not printed in the Oregon Administrative Rules Compilation. Copies may be obtained from the adopting agency or the Secretary of State.]

Special Education for Pregnant Individuals

581-15-100 [1EB 18-1979(Temp),
f. & ef. 11-15-79;
1EB 5-1980, f. 2-22-80, ef. 2-23-80;
Repealed by EB 11-1995,
f. & cert. ef. 5-25-95]

Administrative Review of Local District Hearing Decision

581-15-105 [1EB 270(Temp), f. & ef. 12-22-77;
1EB 39-1978, f. & ef. 10-5-78;
1EB 18-1979(Temp),
f. & ef. 11-15-79;
1EB 5-1980, f. 2-22-80, ef. 2-23-80;
1EB 16-1983,
f. 11-23-83, ef. 11-25-83;
EB 2-1988(Temp),
f. & cert. ef. 1-12-88;
EB 23-1988, f. & cert. ef. 5-24-88;
EB 41-1988(Temp),
f. & cert. ef. 11-15-88;
EB 19-1989, f. & cert. ef. 5-15-89;
Repealed by EB 2-1990,
f. & cert. ef. 1-26-90]

Procedures for Complaints to the State Superintendent

581-15-107 [1EB 38-1978, f. & ef. 10-5-78;
1EB 8-1979, f. & ef. 5-17-79;
Repealed by 1EB 28-1980,
f. & ef. 12-23-80]

Hearing Under Section 504 of the Rehabilitation Act

Definitions

581-15-108 The following definitions apply to OAR 581-15-109:

(1) "Handicapped Person" means any person who:

(a) Has a physical or mental impairment which substantially limits one or more major life activities;

(b) Has a record of such an impairment; or

(c) Is regarded as having such an impairment.

(2) As used in section (1) of this rule:

(a) "Physical or mental impairment" means any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; gentio-urinary; hemic and lymphatic; skin; endocrine; any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities;

(b) "Major life activities" means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working;

(c) "Has a record of such impairment" means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities;

(d) "Is regarded as having an impairment" means:

(A) Has a physical or mental impairment that does not substantially limit major life activities but that is treated by a recipient as constituting such a limitation;

(B) Has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others towards such impairment;

(C) Has none of the impairments defined in subsection (2)(a) of this rule but is treated by a school district as having such an impairment.

(3) "Qualified Handicapped Person" means a handicapped person:

(a) Of an age during which nonhandicapped persons are provided educational services;

(b) Of any age during which it is mandatory under state law to provide such services to handicapped persons; or

(c) To whom a state is required to provide a free appropriate public education under section 612 of the Education of the Handicapped Act.

(4) "School District" means a school district as defined in ORS 343.153.

Stat. Auth.: ORS Ch. 326
Stats. Implemented: ORS
Hist.: EB 7-1987(Temp), f. & ef. 5-11-87; EB 24-1988, f. & cert. ef. 5-24-88

[ED. NOTE: The text of Temporary Rules is not printed in the Oregon Administrative Rules Compilation. Copies may be obtained from the adopting agency or the Secretary of State.]

Procedures for a Hearing Under Section 504 of the Rehabilitation Act of 1973

581-15-109 (1) The parent or guardian of a qualified handicapped person may file a written request for a hearing with the State Superintendent of Public Instruction with respect to actions regarding the identification, evaluation, provision of a free appropriate education, or education placement of the handicapped person which the parent or guardian alleges to be in violation of section 504 of the Rehabilitation Act of 1973, Public Law 93-112, or any amendment thereof. In such event, the Superintendent shall conduct a hearing.

(2) The school district involved in the hearing shall be responsible for the costs of the hearing.

(3) The parties shall be entitled to the procedural rights under OAR 581-15-080 with the exceptions of the stay-put provision in OAR 581-15-080(2)(e) and the right to obtain at no cost a written or electronic verbatim record of the hearing in OAR 581-15-080(2)(f)(C), both of which shall not apply to a hearing under this rule.

(4) Nothing in this rule is meant to prevent the parties from also seeking due process remedies under the Individuals with Disabilities Education Act as set forth in OAR 581-15-080 through 581-15-092 and 581-15-096

Stat. Auth.: ORS Ch. 326 & 343.055
Stats. Implemented: ORS 343.041
Hist.: EB 7-1987(Temp), f. & ef. 5-11-87; EB 24-1988, f. & cert. ef. 5-24-88; EB 24-1990, f. & cert. ef. 5-18-90; EB 9-1993, f. & cert. ef. 3-25-93

[ED. NOTE: The text of Temporary Rules is not printed in the Oregon Administrative Rules Compilation. Copies may be obtained from the adopting agency or the Secretary of State.]

State Training Centers

Definitions

581-15-110 [1EB 242, f. & ef. 8-27-76;
Repealed by EB 18-1993,
f. & cert. ef. 4-30-93]

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Educational Programs of Students Attending State Training Centers

581-15-111 School districts operating educational programs, under contract with the Department, for students with disabilities attending state training centers must comply with all federal and state laws and regulations governing the provision of special education to students with disabilities including, but not limited to, those relating to the identification, evaluation, individualized education program, and educational placement of the student; the provision of a free appropriate public education to the student; procedural safeguards available to the student; and the confidentiality of student education records.

Stat. Auth.: ORS 343.055, 343.475 & 343.975
Stats. Implemented: ORS 343.975
Hist.: EB 19-1993, f. & cert. ef. 4-30-93

Monitoring of Educational Programs at State Training Centers

581-15-115 The Superintendent shall conduct school improvement visits of educational programs at state training centers on a regularly scheduled basis and at other times as necessary.

Stat. Auth.: ORS 343.045, 343.055 & 343.975
Stats. Implemented: ORS 343.975
Hist.: EB 242, f. & ef. 8-27-76; EB 20-1993, f. & cert. ef. 4-30-93

Assignment of Standardization Classification

581-15-120 [1EB 242, f. & ef. 8-27-76;
Repealed by EB 18-1993,
f. & cert. ef. 4-30-93]

Educational Advisory Board

581-15-125 [1EB 242, f. & ef. 8-27-76;
Repealed by EB 18-1993,
f. & cert. ef. 4-30-93]

Children in Private Schools Placed by a Public Agency

Applications for Approval of Private Schools as Contractors with Public Agencies for Early Intervention or Special Education Services

581-15-126 Private schools that intend to provide early intervention or special education under contract or subcontract with the state, excluding educational agencies providing educational programs at treatment centers pursuant to ORS 581-15-044, or with a public school for children with disabilities ages birth through 21 years shall apply annually to the Oregon Department of Education, Office of special Education, for approval. For the purposes of this rule, "public agency" means school districts and other public agencies that contract to provide early intervention or special education services.

(1) The annual application shall include certification that the private school meets:

(a) The applicable fire codes of the local or state fire marshal;

(b) Facility occupancy and use standards set forth by the appropriate local building inspectors; and

(c) Health standards of the county health department.

(2) The private school shall maintain commercial general liability insurance with policy limits of at least $500.000. The private school shall provide the Department with the name of the insurance company, the number of the insurance policy and the policy limits covered by the policy.

(3) The annual application shall include assurances, on a form provided by the Department, that the private school shall:

(a) Use curriculum content, teaching practices and facilities management that do not violate the constitutional prohibition on religious entanglement;

(b) Implement the early intervention or special education services as described in each child's individualized family service plan or individualized education program;

(c) Have procedures in place regarding staff hiring that require the careful checking of personal and professional references for all potential employees and regularly scheduled evaluations of the competencies of all employees to work with children;

(d) Maintain the confidentiality of student records consistent with the Family Educational Rights and Privacy Act, 34 CFR § 99 et. seq. and Oregon Administrative Rules relating to student records;

(e) Have a policy of nondiscrimination;

(f) Notify the contracting public agency of any written complaint it receives concerning the early intervention and special education programs and services being provided;

(g) Initiate and convene individualized education programs an individualized family service plan meetings only when this assistance is requested by a written agreement with the contracting public agency;

(h) Evaluate a child only when this assistance is requested by a written agreement with the contracting public agency;

(i) Notify the contracting public agency of the need for any change in a child's educational program and not make changes in a child's individualized education program or individualized family service plan, the early intervention or special education program or services, or placement, unless the contracting public agency consents to the changes; and

(j) Comply with either paragraphs (A) or (B) or both of this subsection:

(A) For private schools providing early intervention or early childhood special education for children birth through the age of eligibility for kindergarten, at least one individual, who is qualified to provide early intervention and early childhood special education and meets the requirements of OAR 581-15-1100(2) and (3), shall be available to serve the population of students described in the application; or

(B) For private schools providing special education for children kindergarten through 21 years of age, at least one individual, who is qualified to provide special education and is certified according to rules established by the Teacher Standards and Practices Commission, shall be available to serve the population of students described in the application. Private schools may provide special education and related services to students with disabilities placed by public agencies by employing professionals who are licensed within their own specialties. Pursuant to OAR 584-36-010, these personnel are not required to hold licensure from the Teacher Standards and Practices Commission.

(4) The annual application shall include a plan, on a form provided by the Department, describing the early intervention or special education program for which the private school requests approval. The plan shall include the following elements:

(a) A description of the population that shall be provided early intervention and special education programs or services; and

(b) A description of the specific early intervention and special education program or services that the private school shall provide.

Stat. Auth.: ORS Ch. 343
Stats. Implemented: ORS 343.041 & 343.221
Hist.: 1EB 28-1978, f. & ef. 7-20-78; EB 18-1994, f. & cert. ef. 12-15-94

Program Goals

581-15-130 [1EB 242, f. & ef. 8-27-76;
Repealed by EB 18-1993,
f. & cert. ef. 4-30-93]

Process for Approval of a Private School as a Contractor with Public Agencies

581-15-131 (1) A private school applying for initial approval may submit an application to the Department of Education, Office of Special Education, at any time pursuant to OAR 581-15-126. The private school shall be notified by the Department of its approval or disapproval as quickly as possible but no later than 60 days after receipt of the application. The period of approval of the private school receiving initial approval shall be from the date of notification of approval by the Department until the 15th day of August.

(2) A private school applying for subsequent approval shall submit its annual application by March 1 of each year. The Department shall notify the private school of its approval or disapproval within 60 days of receipt of the application. The period of approval for a private school requesting approval for the subsequent year shall be one year beginning on the 15th day of August.

(3) After a private school receives initial approval of an application, subsequent annual applications may consist of amendments to the application originally approved or an assurance on a form provided by the Department that the private school is not making any changes to the approved application.

(4) An approved private school may make major program changes only with written prior approval from the Department. A major program change consists of any change in the information contained in a private school's approved application:

(a) To request and receive approval for program changes, the private school shall submit an amendment to the current approved application describing the changes proposed and the reasons for the changes. In addition, the amendment shall describe the effect the changes will have on the children currently served under contracts with public agencies;

(b) After submitting an amendment as described in subsection (4)(a) of this rule, the private school may operate the services under the provisions of the amendment with conditional approval until the Department notifies the private school of the approval or disapproval of the amendment. The Department shall notify the private school of approval or disapproval within a reasonable period of time, but no more than 90 days after receipt of the amendment by the Department.

Stat. Auth.: ORS Ch. 343
Stats. Implemented: ORS 343.041 & 343.221
Hist.: 1EB 28-1978, f. & ef. 7-20-78; EB 40-1988(Temp), f. & cert. ef. 11-15-88; EB 20-1989, f. & cert. ef. 5-15-89; EB 18-1994, f. & cert. ef. 12-15-94

[**ED. NOTE:** The text of Temporary Rules is not printed in the Oregon Administrative Rules Compilation. Copies may be obtained from the adopting agency or the Secretary of State.]

Out-of-State Placements for Special Education

581-15-133 (1) Any educational institution located outside the state of Oregon which provides special education to Oregon students eligible for special education pursuant to a contract with an Oregon district, ESD, or the Oregon Department of Education must first be approved by the state education agency of the state in which the educational institution is located.

(2) Documentation of such approval shall be maintained by the district placing children in out-of-state programs and shall be made available to the Oregon Department of Education upon request.

(3) Contractual arrangements for out-of-state special education services may be made when:

(a) It is determined that no appropriate in-state placement option is available; and

(b) Such a placement is made after the development of an Individualized Education Program as specified in OAR 581-15-064 through 581-15-068.

Stat. Auth.: ORS 343.041
Stats. Implemented: ORS 343.155
Hist.: EB 22-1991, f. & cert. ef. 10-30-91

Assessment of Skills

581-15-135 [1EB 242, f. & ef. 8-27-76;
Repealed by EB 18-1993,
f. & cert. ef. 4-30-93]

Rights of Children in Private Educational Agencies

581-15-136 [1EB 28-1978, f. & ef. 7-20-78;
Repealed by EB 18-1994,
f. & cert. ef. 12-15-94]

Educational Program Needs Identification

581-15-140 [1EB 242, f. & ef. 8-27-76;
Repealed by EB 18-1993,
f. & cert. ef. 4-30-93]

Obligations of Public Agencies that Contract with Approved Private Schools for Early Intervention or Special Education Services

581-15-141 For the purposes of this rule, "public agency" means school districts and other public agencies that contract to provide early intervention or early childhood special education. Public agencies may contract with private schools that are approved by the Department as contractors for early intervention or special education services pursuant to OAR 581-15-126 and OAR 581-15-131.

(1) For a child birth through age 21, the public agency shall fulfill all federal and state requirements relating to the evaluation, individualized family service plan or individualized education program development, and placement when determining whether the child shall be placed in an approved private school for early intervention or special education services. For children ages 3 through 21, the public agency also shall determine whether placement in an approved private school constitutes a free appropriate public education in the least restrictive environment for each child.

(2) A public agency that proposes to place a child with a disability in an approved private school shall ensure that:

(a) The school-aged child is a resident of the school district under Oregon law; or

(b) The public agency is under contract to provide early intervention or early childhood special education for children age birth through eligibility for entry into kindergarten; and

(c) The child is eligible to receive early intervention or special education services.

(3) Before the public agency places a child with a disability in an approved private school, the public agency shall initiate and conduct an individualized family service plan or individualized education program meeting that includes a representative of the approved private school and at which an individualized family service plan or individualized education program is developed based upon the needs of the child.

(4) If a representative of the approved private school is unable to attend the individualized family service plan or individualized education program meeting, the public agency shall use other methods to insure participation including, but not limited to, individual or conference telephone calls, or individual meetings.

(5) After a public agency initially places a child in an approved private school, any subsequent meetings to review or revise an individualized family service plan or individualized education program shall be the responsibility of the public agency.

(6) The public agency may request by written agreement that the approved private school initiate and conduct individualized family service plan or individualized education program meetings to review and revise an individualized family service plan or individualized education program. If the approved private school initiates and conducts these meetings, the public agency shall ensure that the parents and a representative of the public agency:

(a) Are involved in any decision about the child's individualized family service plan or individualized education program; and

(b) Agree to any proposed changes in the program before those changes are implemented.

(7) The public agency shall conduct the multidisciplinary team meeting to determine the annual educational placement of a child.

(8) The public agency placing a child age 3 through 21 in an approved private school shall insure that the child and the child's parents receive all the rights and protections as required for children with disabilities served by public agencies as set forth in federal law and in OAR 581-15-039, 581-15-055, 581-15-059 through 581-15-109, or OAR 581-15-940 through 581-15-1080.

(9) The school district where the child resides shall insure that transportation is provided to and from the approved private school.

Stat. Auth.: ORS Ch. 343
Stats. Implemented: ORS 343.041 & 343.221
Hist.: 1EB 40-1978, f. & ef. 10-5-78; EB 18-1994, f. & cert. ef. 12-15-94

Program Improvement

581-15-145 [1EB 242, f. & ef. 8-27-76;
Repealed by EB 18-1993,
f. & cert. ef. 4-30-93]

Private Educational Agencies; Individualized Education Program

581-15-146 [1EB 28-1978, f. & ef. 7-20-78;
Repealed by EB 18-1994,
f. & cert. ef. 12-15-94]

Educational Diagnosis, Prescription and Instruction

581-15-150 [1EB 242, f. & ef. 8-27-76;
Repealed by EB 18-1993,
f. & cert. ef. 4-30-93]

Children in Private Schools Enrolled by Their Parents

Private Schools; Individualized Education Program

581-15-151 If a child with a disability is enrolled by a parent in a private school and receives special education services from a school district, the school district shall:

(1) Initiate and conduct meetings to develop, review and revise an individualized education program for the child in accordance with OAR 581-15-065.

(2) Insure that a representative of the private school facility attends each meeting. If the representative cannot attend, the district shall use other methods to insure participation by the private school, including individual or conference telephone calls.

Stat. Auth.: ORS 343.041, 343.045 & 343.055
Stats. Implemented: ORS
Hist.: 1EB 28-1978, f. & ef. 7-20-78; EB 11-1995, f. & cert. ef. 5-25-95

Prescriptive Procedures

581-15-155 [1EB 242, f. & ef. 8-27-76;
Repealed by EB 18-1993,
f. & cert. ef. 4-30-93]

Placement by Parents of Children in Private Schools

581-15-156 (1) If a child with a disability has available a free appropriate public education and the parents choose to place the child in a private school, the school district is not required to pay for the child's education at the private school. The school district shall, however, make services available to the child as provided in OAR 581-15-166 through 581-15-201.

(2) Disagreements between a parent and the school district regarding the availability from the school district of a program appropriate for the child and the question of financial responsibility are subject to the due process procedures under OAR 581-15-080 through 581-15-096.

Stat. Auth.: ORS 343.041, 343.045 & 343.055
Stats. Implemented: ORS
Hist.: 1EB 28-1978, f. & ef. 7-20-78; EB 11-1995, f. & cert. ef. 5-25-95

Instructional Procedures

581-15-160 [1EB 242, f. & ef. 8-27-76;
Repealed by EB 18-1993,
f. & cert. ef. 4-30-93]

Applicability of OAR 581-15-166 through 581-15-201

581-15-161 OAR 581-15-166 through 581-15-201 apply only to children with disabilities placed in or referred to private schools who have not been placed or referred by a public agency.

Stat. Auth.: ORS 343.041, 343.045 & 343.055
Stats. Implemented: ORS
Hist.: 1EB 28-1978, f. & ef. 7-20-78; EB 11-1995, f. & cert. ef. 5-25-95

Instructional Program

581-15-165 [1EB 242, f. & ef. 8-27-76;
Repealed by EB 18-1993,
f. & cert. ef. 4-30-93]

Public Educational Agency Responsibility for Children Placed by Parents in Private Schools

581-15-166 (1) If a child with a disability, who is age three through the age of eligibility for kindergarten, is offered a free and appropriate public education by the Department of Education and the parent of the child unilaterally enrolls the child in a private school, the child shall not have an individual entitlement to receive special education and related services from the Department of Education. Consistent with the procedures set forth in OAR 581-15-171, the Department of Education shall determine which children with disabilities shall receive services, what services shall be provided and how those services shall be provided, including the location for the delivery of those services.

(2) If a child with a disability, who is at the age of eligibility for kindergarten through age 21, is offered a free appropriate public education by the child's resident school district and the parent of the child unilaterally enrolls the child in a private school, the child shall not have an individual entitlement to receive special education and related services from the child's resident school district. Consistent with the procedures set forth in OAR 581-15-171, resident school districts shall determine which children with disabilities shall receive services, what services shall be provided and how those services shall be provided, including the location for the delivery of those services.

(3) Such special education and related services shall be provided in a religiously-neutral setting.

(4) The Department of Education and school districts shall provide such children with genuine opportunities for equitable participation in special education consistent with the number of children and their needs.

Stat. Auth.: ORS 343.041, 343.055 & CFR § 76.650
Stats. Implemented: ORS
Hist.: 1EB 28-1978, f. & ef. 7-20-78; 1EB 25-1980, f. & ef. 11-7-80; EB 12-1995, f. & cert. ef. 5-25-95

Attendance

581-15-170 [1EB 242, f. & ef. 8-27-76;
Repealed by EB 18-1993,
f. & cert. ef. 4-30-93]

Determination of Needs Number of Children and Types of Service through Consultation Process

581-15-171 (1) For purposes of this rule, "public educational agencies" means:

(a) The Department of Education for children who age three through the age of eligibility for kindergarten; and

(b) School districts for children who are at the age of eligibility for kindergarten through age 21.

(2) Public educational agencies shall consult with appropriate representatives of children with disabilities enrolled by their parents in private schools during all phases of the development and design of the special education services to be provided to private school children with disabilities, including consideration of:

(a) Which children shall receive services;

(b) How the needs of children shall be identified;

(c) What services shall be provided;

(d) How services shall be provided, including the location for the delivery of those services; and

(e) How the services shall be evaluated.

(3) The public educational agency shall consult with appropriate representatives of children with disabilities enrolled by their parents in private schools before the public educational agency makes any decision that affects the opportunities of those children to receive special education services.

(4) The public educational agency shall give the appropriate representatives a genuine opportunity to express their views regarding each matter subject to the consultation requirements in this rule.

Stat. Auth.: ORS 343.041, 343.045 & 343.055
Stats. Implemented: ORS 343.041, 343.055 & CFR § 76.650
Hist.: 1EB 28-1978, f. & ef. 7-20-78; EB 13-1995, f. & cert. ef. 5-25-95

Document of Completion

581-15-175 [1EB 242, f. & ef. 8-27-76;
Repealed by EB 18-1993,
f. & cert. ef. 4-30-93]

Service Arrangements

581-15-176 Services to handicapped children in private schools may be provided through such arrangements as dual enrollment, educational radio and television, and the provision of mobile educational services and equipment.

Stat. Auth.: ORS Ch. 343

Stats. Implemented: ORS 343.155
Hist.: 1EB 28-1978, f. & ef. 7-20-78

Administration

581-15-180 [1EB 242, f. & ef. 8-27-76;
Repealed by EB 18-1993,
f. & cert. ef. 4-30-93]

Differences in Services to Children With Disabilities in Private Schools

581-15-181 School districts may provide special education to a handicapped child with a disability who is enrolled in a private school which is different from the special education provided to public school children if:

(1) The differences are necessary to meet the special needs of the child with a disability who is enrolled in the private school.

(2) The special education is comparable in quality, scope and opportunity for participation to that provided to public school children with similar needs.

Stat. Auth.: ORS 343.041, 343.045 & 343.055
Stats. Implemented: ORS 343.155
Hist.: 1EB 28-1978, f. & ef. 7-20-78; EB 11-1995, f. & cert. ef. 5-25-95

Equal Educational Opportunities

581-15-185 [1EB 242, f. & ef. 8-27-76;
Repealed by EB 18-1993,
f. & cert. ef. 4-30-93]

Equipment

581-15-186 (1) Equipment acquired with funds under the Individuals with Disabilities Education Act in effect on April 1, 1995 may be placed on private school premises for a limited period of time, but the title to and administrative control over all such equipment shall be retained and exercised by a public agency.

(2) In exercising administrative control, the public agency shall keep records of and account for the equipment, shall insure that the equipment is used solely for the purposes of the program or project for which it was placed, and shall remove the equipment from the private school premises if necessary to avoid its being used for other purposes, or if it is no longer needed for the purposes of the program or project.

Stat. Auth.: ORS 343.041, 343.045 & 343.055
Stats. Implemented: ORS
Hist.: 1EB 28-1978, f. & ef. 7-20-78; EB 11-1995, f. & cert. ef. 5-25-95

Reports

581-15-190 [1EB 242, f. & ef. 8-27-76;
Repealed by EB 18-1993,
f. & cert. ef. 4-30-93]

Prohibition of Segregation

581-15-191 Programs or projects provided in public facilities which include both children with disabilities enrolled in private schools and children with disabilities enrolled in public schools may not include classes that are separate on the basis of school enrollments or the religious affiliations of the children.

Stat. Auth.: ORS 343.041, 343.045 & 343.055
Stats. Implemented: ORS 659.150
Hist.: 1EB 28-1978, f. & ef. 7-20-78; EB 11-1995, f. & cert. ef. 5-25-95

Required Days of Instruction

581-15-195 [1EB 242, f. & ef. 8-27-76;
Repealed by EB 18-1993,
f. & cert. ef. 4-30-93]

Funds and Property Not to Benefit Private Schools

581-15-196 Funds derived from the Individuals with Disabilities Education Act in effect on April 1, 1995 and property derived from those funds may not insure to the benefit of any private school.

Stat. Auth.: ORS 343.041, 343.045 & 343.055
Stats. Implemented: ORS
Hist.: 1EB 28-1978, f. & ef. 7-20-78; EB 11-1995, f. & cert. ef. 5-25-95

Student Records

581-15-200 [1EB 242, f. & ef. 8-27-76;
Repealed by EB 18-1993,
f. & cert. ef. 4-30-93]

Existing Level of Instruction

581-15-201 School district provisions for serving private school children with disabilities shall not include the financing of any private school instruction.

Stat. Auth.: ORS 343.041, 343.045 & 343.055
Stats. Implemented: ORS
Hist.: 1EB 28-1978, f. & ef. 7-20-78; EB 11-1995, f. & cert. ef. 5-25-95

Certificated Personnel

581-15-205 [1EB 242, f. & ef. 8-27-76;
Repealed by EB 18-1993,
f. & cert. ef. 4-30-93]

Teacher Aides

581-15-210 [1EB 242, f. & ef. 8-27-76;
Repealed by EB 18-1993,
f. & cert. ef. 4-30-93]

Daily Class Size

581-15-215 [1EB 242, f. & ef. 8-27-76;
Repealed by EB 18-1993,
f. & cert. ef. 4-30-93]

School Media Centers

581-15-220 [1EB 242, f. & ef. 8-27-76;
Repealed by EB 18-1993,
f. & cert. ef. 4-30-93]

Materials Selection and Purchase

581-15-225 [1EB 242, f. & ef. 8-27-76;
Repealed by EB 18-1993,
f. & cert. ef. 4-30-93]

Equipment Purchase

581-15-230 [1EB 242, f. & ef. 8-27-76;
Repealed by EB 18-1993,
f. & cert. ef. 4-30-93]

Facilities

581-15-235 [1EB 242, f. & ef. 8-27-76;
Repealed by EB 18-1993,
f. & cert. ef. 4-30-93]

Furniture, Equipment and Materials

581-15-240 [1EB 242, f. & ef. 8-27-76;
Repealed by EB 18-1993,
f. & cert. ef. 4-30-93]

Building Program and Plans

581-15-245 [1EB 242, f. & ef. 8-27-76;
Repealed by EB 18-1993,
f. & cert. ef. 4-30-93]

Emergency Plans and Programs

581-15-250 [1EB 242, f. & ef. 8-27-76;
Repealed by EB 18-1993,
f. & cert. ef. 4-30-93]

Safety Inspection Practices

581-15-255 [1EB 242, f. & ef. 8-27-76;
Repealed by EB 18-1993,
f. & cert. ef. 4-30-93]

Accident Prevention In-Service

581-15-260 [1EB 242, f. & ef. 8-27-76;
Repealed by EB 18-1993,
f. & cert. ef. 4-30-93]

Accident Reporting Systems

581-15-265 [1EB 242, f. & ef. 8-27-76;
Repealed by EB 18-1993,
f. & cert. ef. 4-30-93]

Safety Devices, Equipment and Instruction

581-15-270 [1EB 242, f. & ef. 8-27-76;
Repealed by EB 18-1993,
f. & cert. ef. 4-30-93]

Transportation Services

581-15-275 [1EB 242, f. & ef. 8-27-76;
Repealed by EB 18-1993,
f. & cert. ef. 4-30-93]

School Bus Inspection and Maintenance

581-15-280 [1EB 242, f. & ef. 8-27-76;
Repealed by EB 18-1993,
f. & cert. ef. 4-30-93]

School Bus Drivers

581-15-285 [1EB 242, f. & ef. 8-27-76;
Repealed by EB 18-1993,
f. & cert. ef. 4-30-93]

Custodial Services

581-15-290 [1EB 242, f. & ef. 8-27-76;
Repealed by EB 18-1993,
f. & cert. ef. 4-30-93]

Definitions for Regional Programs

581-15-291 The following definitions apply to OAR 581-015-0292 through OAR 581-15-296 unless otherwise indicated by the context.

(1) "Regional program" means direct or consultative services funded through the Department provided on a single or multi-county basis that assist school districts and early intervention/early childhood special education providers in meeting the unique needs of eligible children.

(2) "Consultation services" means technical assistance to or conferring with the local education agency and staff or early intervention/early childhood special education providers and staff or families to assist them to provide services to eligible children.

(3) "Superintendent" means the State Superintendent of Public Instruction.

(4) "Administrative Unit" means the school district or ESD within each region chosen to operate the regional program through contract with the Department of Education.

(5) "Department" means the Oregon Department of Education.

(6) "Direct services" means services provided to the child by regional specialists.

(7) "Eligible children" means children with low-incidence, high need disabilities who need the services of the regional program.

(8) "Low incidence, high need disabilities" means one or more of the following categories under OAR 581-15-051: autism, deaf/blindness, hearing impairment, orthopedic impairment, and vision impairment. A child with an orthopedic impairment is eligible for regional services only if determined to be severely orthopedically impaired by his/her multidisciplinary team based on eligibility tool(s) approved by the Department.

(9) "Services" means early intervention services, early childhood special education and/or related services, and special education and/or related services, as defined in OARs 581-15-900 and 581-15-005, respectively.

Stat. Auth.: ORS 343.236(3)
Stats. Implemented: ORS 343.236
Hist.: EB 27-1988, f. & cert. ef. 6-9-88; EB 10-1996, f. & cert. ef. 6-26-96

Administration of Regional Programs

581-15-292 (1) The Superintendent may provide services to eligible children on a regional basis to the extent possible with funds allocated for this purpose:

(a) The Superintendent shall determine the number of regions and their boundaries;

(b) The Superintendent shall select a local school district, education service district, and/or county school district to serve as the Administrative Unit in each region;

(c) The Superintendent may designate a Department employee to give general coordination to regional programs;

(d) The Superintendent may appoint an advisory committee to provide policy direction for regional programs. This committee shall report to the State Board of Education through the regional program coordinator.

(2) The Administrative Unit shall provide general management to the regional program by:

(a) Preparing a regional plan that will include administrative structure, provision of direct and consultation services to eligible children, their families and staff, inservice activities, supervision of instruction, subcontracting and budget;

(b) Serving as fiscal agent for the region including arrangement of subcontracts; preparation of budgets for the receipt of local, state, and federal funds; provision of reports regarding child data, progress, and services; and the management of all fiscal functions including but not limited to, business services;

(c) Selecting, hiring, and directing regional employees using funds granted for that purpose and making employee benefits consistent with other district employees;

(d) Appointing a regional coordinator who will give general direction to the regional program and act as liaison to the Department; and

(e) Appointing a Regional Advisory Council to provide advice to the Administrative unit on program and policy direction.

(3) The Regional Advisory Council shall consist of seven to eleven members representing each county in the region. At least one person must represent each of the following categories:

(a) Superintendent of an education service district or local school district;

(b) Special education supervisor or teacher of an education service district or local school district;

(c) Individual who supervises or provides early intervention or early childhood special education services;

(d) Director on board of an education service district or local school district;

(e) Individual with a disability or parent of an eligible child.

(f) Regular education teacher or building administrator.

(4) The Administrative Unit governing board shall request names from each education service district, school district, county school district, and early intervention and early childhood special education program in the area served by the regional program and make appointments to the council.

Stat. Auth.: ORS 343.236(3)
Stats. Implemented: ORS 343.236
Hist.: EB 27-1988, f. & cert. ef. 6-9-88; EB 10-1996, f. & cert. ef. 6-26-96

Eligibility for Regional Services

581-15-293 (1) The determination of a child's eligibility for services as a child with autism, deaf/blindness, hearing impairment, orthopedic impairment, or vision impairment shall be the responsibility of:

(a) The resident school district for children who are at the age of eligibility for kindergarten through age 21 in accordance with OAR 581-15-051; or

(b) The designated referral and evaluation agency for children who are at the age of eligibility for:

(A) Early intervention, from birth until the age of three in accordance with OAR 581-15-946; and

(B) Early childhood special education, from the age of three until eligible for kindergarten in accordance with OAR 581-15-942.

(2) Regional programs may assist the local district or designated referral and evaluation agency in evaluating and/or determining eligibility when the local district or the designated referral and evaluation agency does not have a person trained and experienced in the area of the suspected disability(ies).

(3) A child who is found eligible for services as a child with autism, deaf/blindness, hearing impairment, or vision impairment shall be eligible for regional services if the child needs regional program services.

(4) A child who is found eligible for services as a child with orthopedic impairment shall be eligible for regional services if the child is determined to be severely orthopedically impaired by his/her multidisciplinary team based on eligibility tool(s) approved by the Department and needs regional program services.

Stat. Auth.: ORS 343.236(a)
Stats. Implemented: ORS 343.236
Hist.: EB 27-1988, f. & cert. ef. 6-9-88; EB 10-1996, f. & cert. ef. 6-26-96

Referral for Regional Services

581-15-294 In referring a child to the regional program, the district or early intervention/early childhood special education program shall provide the regional coordinator with the following information:

(1) A request for regional services;

(2) A statement of a child's eligibility as visually impaired, hearing impaired, deaf-blind, orthopedically impaired, or autistic, if previously determined;

(3) A statement from the child's multidisciplinary team for a child who is severely orthopedically impaired, including eligibility tool(s) approved by the Department, if previously determined; and

(4) Additional information as the regional coordinator or other regional program representative may request.

Stat. Auth.: ORS 343.236(a)
Stats. Implemented: ORS 343.236
Hist.: EB 27-1988, f. & cert. ef. 6-9-88; EB 10-1996, f. & cert. ef. 6-26-96

Individualized Educational Program/Individualized Family Service Plan

581-15-295 (1) An eligible child shall have an individualized educational plan (IEP) developed in accordance with OAR 581-15-068 or an individualized family service plan (IFSP) in accordance with OAR 581-15-970.

(2) The IEP/IFSP shall be developed by an appropriately constituted team in accordance with OAR 581-15-981 for children from birth to age two, OAR 581-15-980 for children from age three to kindergarten, and OAR 581-15-066 for school-age children. A designated regional program staff shall be included in the development of the IEP/IFSP.

(3) The IEP/IFSP shall serve as the basis for determining the child's unique developmental or educational needs and the extent and nature of services to be provided, including services provided by the regional program.

Stat. Auth.: ORS 343.236(a)
Stats. Implemented: ORS 343.236
Hist.: EB 27-1988, f. & cert. ef. 6-9-88; EB 10-1996, f. & cert. ef. 6-26-96

Regional Program Services

581-15-296 (1) The resident school district shall maintain the primary responsibility for the education of an eligible school-aged child, and shall be responsible for all costs beyond the fiscal capacity of the regional program which result from the full implementation of the child's IEP.

(2) The Department, through its contractors, shall maintain the primary responsibility for early intervention and early childhood special education services for eligible children from birth until eligible for kindergarten, and shall be responsible for all costs beyond the fiscal capacity of the

regional program which result from full implementation of the child's IFSP.

(3) Eligible children may receive one or more of the following regional services based upon the child's needs according to the IEP or IFSP and available resources of the regional program:

(a) Direct services to the child as determined in the IEP/IFSP by an itinerant specialist up to full-time instruction in a self-contained classroom operated by the regional program;

(b) Consultation to providers of the child's educational or early intervention/early childhood special education program and/or the parents;

(c) Participation in developing the student's IEP or IFSP;

(d) Recommendations for classroom activities, materials, equipment, adaptations and modifications to instruction, and/or assessment;

(e) Evaluation and interpretation of assessment information;

(f) Audiological management;

(g) Inservice for staff and parents; and

(h) Provision of certain related services.

(4) Teachers and therapists employed by the regional program to serve eligible children shall hold the appropriate special education or appropriate state licensure.

(5) Regional programs shall be in compliance with all applicable statutes and administrative rules pertaining to the education of children with disabilities.

Stat. Auth.: ORS 343.236(a)
Stats. Implemented: ORS 343.236
Hist.: EB 27-1988, f. & cert. ef. 6-9-88; EB 10-1996, f. & cert. ef. 6-26-96

Children in Other Educational Programs

Definitions

581-15-300 The following definitions apply to OAR 581-15-300 to 581-15-500, unless otherwise indicated by the context:

(1) "Assessment": Activities designed to secure and organize information describing student performance in specified subject matter at a given time.

(2) "Board": The State Board of Education.

(3) "Camps": Work training and education programs situated away from the institutions for a limited number of students who do not need the security of the institutional setting.

(4) "Career Education": Learning experiences enabling students to make effective career choices and develop attitudes, knowledge, and skills needed for the producer (occupational) life role and for related aspects of other life roles. It includes awareness and exploration of work, preparation for occupations, and specialization in a specific occupation.

(5) "Citizenship/Government Education": Study of structures and functions of government and the human relations skills and understandings necessary for individuals to work productively with each other.

(6) "Competency": Demonstrable ability to successfully apply knowledge, understandings, and skills in the performance of a life role or function.

(7) "Conditionally Standard School": A school providing an educational program failing to meet provisions of minimum standards but for which the school has adopted and submitted a plan for correcting substandard conditions, and the plan has been approved by the Superintendent.

(8) "Consumer Education/Personal Finance": Instructional activities designed to enable students to cope with consumer concerns, including money management, credit, purchase of goods and services, and rights and responsibilities in the marketplace.

(9) "Counseling": A process conducted by a person trained in counseling which assists a student in understanding himself and others and in personalizing skills identified as guidance goals.

(10) "Course Goals": Statements of specific desired learner outcomes for each course or unit of study in Grades 9 through 12.

(11) "Credit by Examination": Ascertaining student competencies for the purpose of waiving course requirements and, if appropriate, granting credit.

(12) "Department": The Department of Education.

(13) "Diploma": The document issued by the Division attesting to the holder's having:

(a) Demonstrated minimum competencies adopted by the Division for graduation;

(b) Completed requirements for earning 21 units of credit specified by OAR 581-15-355 and any additional units of credit specified by the Division;

(c) Completed 12 school years of educational experience, or the equivalent, as authorized by Division policies adopted in conformance with these rules.

(14) "Division": The Children's Services Division of the Department of Human Resources.

(15) "Goals": Statements of desired learner outcomes various instructional levels (school, program, course).

(16) "Guidance": Student centered activities assisting the student in understanding himself and others and in practicing skills identified as guidance goals. Both teachers and counselors conduct guidance activities.

(17) "Guidance and Counseling Continuum": A range of activities providing instruction at one end and counseling at the other. It provides for individualization of the guidance program according to the process necessary for each student to internalize the guidance goals according to his needs.

(18) "Language Arts/English": An instructional program of communication disciplines contributing to skills in reading, writing, speaking, and listening.

(19) "Minimum Standards": Rules adopted by the Board to regulate the quality of educational programs provided by Division juvenile training schools and camps.

(20) "Nonstandard School": A school providing an educational program failing to meet provisions of minimum standards and which, within ninety days of the official finding of deficiency by the Superintendent, has not submitted a plan of correction or has not adhered to a plan of correction approved by the Superintendent.

(21) "Performance Indicator": An established criterion by which to judge student competency achievement.

(22) "Planned Course Statement": A document including a course title, a course overview, course goals in terms of knowledge, skills, and values; and

where appropriate, minimum competencies.

(23) "Program Goals (Instructional)": Statements of general desired learner outcomes for each school instructional program in any combination of Grades Kindergarten through 12.

(24) "Program Goals (Support)": Outcomes of a program in a school to support the entire educational program or one or more of its components, usually stated in terms of service to be performed.

(25) "Program Improvement": Use of assessment and needs identification information for making program revisions that reduce identified needs.

(26) "Program Needs Identification": Development and application of procedures for specifying and prioritizing differences between actual learner outcomes and desired outcomes of program instruction sufficient to warrant considering program revision.

(27) "Required Courses of Study": Instructional programs established under OAR 581-15-345 to 581-15-380 shall be the "educational programs," prescribed by ORS 343.980. Guides developed and issued by the Department shall provide further definition and assistance for local program implementation.

(28) "School": An institution administered by the Division and having as one of its primary functions providing for the educational needs of juveniles committed to Division custody.

(29) "School Goals": Statements of broad, general learner outcomes that the Division sees as desirable consequences of instruction and accepts as relevant to attaining Board adopted goals for schooling in Children's Services Division Juvenile Training Schools and Camps (OAR 581-15-305).

(30) "Science": An instructional program building knowledge about nature by organizing reason, experiment, and imagination.

(31) "Standard School": A school providing an educational program meeting provisions of minimum standards.

(32) "Social Studies/History": Systematic study of societies and their activities.

(33) "Superintendent": The Superintendent of Public Instruction.

(34) "Unit of Credit": Successful completion of a minimum 130 clock hours of classroom or equivalent work identified as part of a planned course. Equivalent work may include independent study, work experience, and research time.

Stat. Auth.: ORS Ch. 343
Stats. Implemented: ORS 343.980
Hist.: 1EB 255, f. & ef. 12-20-76

Goals for Schooling in Children's Services Division Juvenile Training Schools and Camps

581-15-305 Each individual will, so far as possible, have the opportunity to develop to the best of his or her ability the knowledge, skills, and attitudes necessary to function as a(an):

(1) Individual: To develop the skills necessary for achieving fulfillment as a self-directed person; to acquire the knowledge necessary for achieving and maintaining physical and mental health and to develop the capacity for coping with change through an understanding of the arts, humanities, scientific processes, and the principles involved in making moral and ethical choices.

(2) Learner: To develop the basic skills of reading, writing, computation, spelling, speaking, listening, and problem-solving; and to develop a positive attitude toward learning as a lifelong endeavor.

(3) Producer: To learn of the variety of occupations; to learn to appreciate the dignity and value of work and the mutual responsibilities of employees and employers; and to learn to identify personal talents and interests, to make appropriate career choices, and to develop career skills.

(4) Citizen: To learn to act in a responsible manner; to learn of the rights and responsibilities of citizens of the community, state, nation, and world; and to learn to understand, respect, and interact with people of different cultures, generations, and races.

(5) Consumer: To acquire knowledge and to develop skills in the management of personal resources necessary for meeting obligations to self, family, and society.

(6) Family Member: To learn of the rights and responsibilities of family members, and to acquire the skills and knowledge to strengthen and enjoy family life.

Stat. Auth.: ORS Ch. 343
Stats. Implemented: ORS 343.980
Hist.: 1EB 255, f. & ef. 12-20-76

Administration of the Standardization Program

581-15-310 The Superintendent initiates standardization visits to Division juvenile training schools and camps on a regularly scheduled basis and at other times as necessary. A school desiring an official standardization appraisal at other than scheduled times shall present a written request to the Department. The school's educational program will be classified after an official standardization visit.

Stat. Auth.: ORS Ch. 343
Stats. Implemented: ORS 343.980
Hist.: 1EB 255, f. & ef. 12-20-76

Assignment of Standardization Classification

581-15-315 (1) An official standardization classification is assigned to each school or camp after Department personnel supervise an on-site appraisal.

(2) Classifications shall be:

(a) Standard school;

(b) Nonstandard school;

(c) Conditionally standard school.

(3) A school classified nonstandard must submit a plan of correction to the Superintendent within ninety days of the finding of deficiency. The plan shall provide specific steps to correct each substandard condition, a completion date for correcting each substandard condition, the date of approval of the plan by the Division, and recommendations concerning the plan by the Division's Educational Advisory Board. When the plan of correction is approved by the Superintendent, the classification of the school will become conditionally standard.

(4) A conditionally standard classification indicates a temporary status. Failure of the school

to meet the terms of the correction plan shall cause the classification to revert to nonstandard until such time as the plan is implemented or an amended plan has been approved by the Superintendent.

(5) When a school classified as conditionally standard has completed its plan of correction and the Division certifies that the school meets all provisions of these minimum standards, the Superintendent shall change the classification to standard. The classification is subject to review at any time deemed necessary or desirable in light of changes in local conditions or in the requirements of the standards.

Stat. Auth.: ORS Ch. 343
Stats. Implemented: ORS 343.980
Hist.: 1EB 255, f. & ef. 12-20-76

Educational Advisory Board

581-15-320 (1) The Division shall appoint an advisory board to review, recommend and adopt policies regarding educational programs at Division schools and camps.

(2) The advisory board shall consist of not less than eight and not more than fifteen members. The membership of the advisory board shall include:

(a) Representation of ethnic, racial and culturally diverse groups;

(b) Geographic representation from throughout Oregon;

(c) Student representation involving either a current student or one who has been involved with juvenile corrections within the last three years;

(d) Parent representation involving a parent of a current student, or one who has been involved with juvenile corrections within the last three years;

(e) K-12 public education representation including at least one special education representative;

(f) Community college/higher education representation;

(g) Private sector, business or labor representation; and

(h) Staff representation to include at least one Hillcrest/MacLaren Education Association (HMEA) member.

(3) The advisory board may appoint the ex officio members or subcommittees that it considers necessary to carry out its work.

(4) The advisory board shall adopt by-laws or operating procedures to govern its functions.

(5) Terms of advisory board members shall not exceed three years and shall be staggered to promote continuity. Members are eligible for reappointment.

(6) The advisory board shall establish its meeting schedule and shall meet not less than quarterly. Meetings may be held at either of the two major institutions, or at the camp facilities.

(7) The advisory board shall prepare and submit an annual report to the Division Administrator, the State Superintendent of Public Instruction, and the State Board of Education regarding educational goals, objectives, policies, procedures, resources, standards and other appropriate items.

(8) Advisory board members shall be paid per diem and mileage at the rate afforded administrative staff of the Children's Services Division.

Stat. Auth.: ORS 343.980
Stats. Implemented: ORS 343.980
Hist.: 1EB 255, f. & ef. 12-20-76; EB 16-1991, f. & cert. ef. 9-6-91

Goals

581-15-325 (1) Each Division school shall by 7-1-77 develop, adopt, and implement a system of instructional program planning and assessment that includes interrelated sets of:

(a) School goals;

(b) Program goals; and

(c) Course goals.

(2) Goals shall be developed within the school, be stated as learner outcomes, and be organized so that the nature of the intended relationships between the sets of school, program, and course goals can be identified.

(3) School goals shall be related to and compatible with Board adopted Goals for schooling in Children's Services Division Juvenile Training Schools and Camps (OAR 581-15-305).

(4) Program goals shall encompass the range of learner outcomes desired from participation in each of the instructional programs offered by the school in Grades Kindergarten through 12.

(5) Each school shall develop planned course statements that include course goals for each course or unit of study in Grades 9 through 12 designated by the school as fulfilling minimum state requirements for graduation (OAR 581-15-350; 581-15-355).

Stat. Auth.: ORS Ch. 343
Stats. Implemented: ORS 343.980
Hist.: 1EB 255, f. & ef. 12-20-76

Instructional Planning

581-15-330 Each school in the Division shall adopt and implement a system of instructional program planning and assessment to provide for:

(1) Sets of goals including:

(a) Division goals reviewed by the Educational Advisory Board and adopted by the Division by 9-1-77;

(b) Program goals contributing to achievement of Division goals by 9-1-77;

(c) Course goals contributing to achievement of program goals by 9-1-78.

(2) Assessment in reading, writing and/or computing within three instructional programs by 9-1-79 and six by 9-1-81 and reporting results to the Educational Advisory Board and the Division. Such assessment shall:

(a) Occur after determining if reading, writing and/or computing skills must be developed or applied for students to achieve program goals; and

(b) Use valid measurement procedures.

(3) Needs identification related at least to reading, writing and computing for programs assessed and setting priorities for addressing such needs by 9-1-80. This process shall include Educational Advisory Board and Division review of needs identified and priorities set.

(4) Policies and procedures for making program improvements by 9-1-80 at least in reading, writing, and computing in programs selected for assessment.

Stat. Auth.: ORS Ch. 343

Stats. Implemented: ORS 343.980
Hist.: 1EB 255, f. & ef. 12-20-76

Educational Program

581-15-345 To provide all students the opportunity to achieve Division-adopted learner outcomes, requirements for graduation and personal goals through participation in educational programs relevant to their needs, interests, and abilities, the Division shall by 9-1-77 adopt procedures to:

(1) Identify individual learner strengths and weaknesses.

(2) Provide learning opportunities for students responsive to their needs.

(3) Determine progress students make in their educational program.

(4) Maintain student academic progress records and report the information to parents and students.

Stat. Auth.: ORS Ch. 343
Stats. Implemented: ORS 343.980
Hist.: 1EB 255, f. & ef. 12-20-76

Graduation Requirements (Class of 1977)

581-15-350 Each Division school enrolling students in Grades 9 through 12 shall offer subjects enabling students to meet the following graduation requirements for the graduating class of 1977:

(1) Three Units (30 Semester Hours) in English-language arts.

(2) Two Units (20 Semester Hours) in social studies. The social studies series requires courses in United States history and government and in modern problems or equivalent Board approved work.

(3) Two Units (20 Semester Hours) in health education and physical education.

(4) One Unit (10 Semester Hours) in science.

(5) One Unit (10 Semester Hours) in mathematics.

(6) Ten Units (100 Semester Hours) in elective subjects unless Division policy prescribes additional work in certain subjects.

Stat. Auth.: ORS Ch. 343
Stats. Implemented: ORS 343.980
Hist.: 1EB 255, f. & ef. 12-20-76

Graduation Requirements

581-15-355 (1) Each Division school enrolling students in Grades 9 through 12 shall implement Board adopted high school graduation requirements beginning with the graduating class of 1978.

(2) Credit requirements for high school program completion:

(a) Each student shall earn a minimum 21 units of credit in Grades 9 through 12;

(b) Units of credit shall be earned in the following areas of study:

(A) Language Arts/English — 3;
(B) Mathematics — 1;
(C) Social Studies/History — 1;
(D) Citizenship/Government — 1;
(E) Science — 1;
(F) Health Education — 1;
(G) Physical Education — 1;
(H) Consumer Education/Personal Finance/Economics — 1;
(I) Career Education — 1;
(J) Electives — 10.

(c) The Division may alter the number of units of elective credits; by program design of the school;

(d) The Division may establish additional credit requirements beyond the minimum number.

(3) Planned course statements shall be available to students, staff, parents, and interested citizens for all courses in Grades 9-12, by 9-1-77.

(4) The Division shall develop a written policy specifying units of credit required for high school program completion, including any alteration of elective credits or any credit requirements beyond the minimum number required by section (2) of this rule.

Stat. Auth.: ORS Ch. 343
Stats. Implemented: ORS 343.980
Hist.: 1EB 255, f. & ef. 12-20-76

Diplomas and Certificates of Competency

581-15-360 (1) The school shall award a diploma upon fulfillment of all credit, competency, and attendance requirements set by the Board, Division, and school.

(2) The school may grant a certificate identifying acquired minimum competencies to students having met some but not all requirements for the diploma and having chosen to end their formal school experiences.

(3) The Division shall adopt a written policy developed by Division schools specifying units of credit, competencies, and attendance requirements for earning a diploma and specifying under what conditions, if any, the schools will grant certificates of competency to students not meeting all graduation requirements.

(4) High school graduation requirements, including credit requirements, shall be reviewed by the Division Educational Advisory Board as requirements are developed.

Stat. Auth.: ORS Ch. 343
Stats. Implemented: ORS 343.980
Hist.: 1EB 255, f. & ef. 12-20-76

Performance Requirements for Program Completion

581-15-365 (1) Student transcripts shall record demonstration of minimum competencies necessary to:

(a) Read, listen, speak, and write;
(b) Analyze;
(c) Compute;
(d) Use basic scientific and technological processes;
(e) Develop and maintain a healthy mind and body;
(f) Be an informed citizen in the community, state, and nation;
(g) Be an informed citizen in interaction with environment;
(h) Be an informed citizen on the streets and highways;
(i) Be an informed consumer of goods and services;
(j) Function within an occupation or continue education leading to a career.

(2) The Division shall by 8-1-77 adopt those minimum competencies it is willing to accept as evidence that students are equipped to function in the society in which they live. Students need not

develop all competencies within the formal schooling process. Schools shall provide necessary instruction for those who need it. The Division shall identify performance indicators used for competency verification.

(3) The Division may alter performance indicators for competencies or may declare a policy for granting waivers to substitute competencies appropriate to the unique needs and abilities of individual students.

(4) Competencies shall be placed within courses or other activities through which students have the opportunity to fulfill competency requirements.

(5) Student records shall record competency achievement and show that students receiving diplomas have met Division competency requirements.

Stat. Auth.: ORS Ch. 343
Stats. Implemented: ORS 343.980
Hist.: 1EB 255, f. & ef. 12-20-76

Attendance

581-15-370 (1) Division schools shall allow for individual program completion.

(2) Division schools shall allow credit by examination and credit for off-campus experiences.

(3) In any modification of the attendance requirements, the Division shall consider the age and maturity of the student, access to alternative learning experiences, performance levels, and guidelines of the Board.

Stat. Auth.: ORS Ch. 343
Stats. Implemented: ORS 343.980
Hist.: 1EB 255, f. & ef. 12-20-76

Developing Appropriate Electives and Additional Course Offerings Beyond State Minimums

581-15-375 (1) The Division schools are encouraged to develop elective offerings providing students opportunities to earn a minimum ten elective units of high school credit. As indicated in OAR 581-15-355(2), however, the minimum number of elective units of credit may be altered if the schools increase the number of required units of credit. These electives shall be structured in terms of identified student needs for diverse experiences in vocational, scientific, fine arts, modern language, and humanities education.

(2) A listing of elective offerings provided to the students shall be maintained.

Stat. Auth.: ORS Ch. 343
Stats. Implemented: ORS 343.980
Hist.: 1EB 255, f. & ef. 12-20-76

Division Responsibility for Implementation

581-15-380 Each Division school enrolling students in Grades 9 through 12 shall implement the competency component of its graduation requirements as follows:

(1) Establish minimum competencies and performance indicators beginning with the graduating class of 1978.

(2) Certify attainment of competencies necessary to read, write, speak, listen, analyze, and compute beginning with the graduating class of 1978.

(3) Certify attainment of all competencies beginning not later than with the graduating class of 1981.

Stat. Auth.: ORS Ch. 343
Stats. Implemented: ORS 343.980
Hist.: 1EB 255, f. & ef. 12-20-76

Operating Policies and Procedures

581-15-385 Each Division school shall maintain a written compilation of operating policies, rules, and procedures adopted for governance of the school and pupils, and shall make such compilation available to Department personnel and other interested parties upon request.

Stat. Auth.: ORS Ch. 343
Stats. Implemented: ORS 343.980
Hist.: 1EB 255, f. & ef. 12-20-76

Equal Educational Opportunities

581-15-390 Each Division school shall provide equal educational opportunities for all students under any educational program or activity the Board administers, approves, or authorizes. Students shall have equal opportunity to participate in programs and equal access to facilities:

(1) Regardless of national origin, race, religion, sex, marital status, or family financial condition.

(2) Regardless of age or handicap, except when either age or handicap can be shown to conflict with legal limits or the requirements of a program.

(3) Regardless of primary or home language other than English.

Stat. Auth.: ORS Ch. 343
Stats. Implemented: ORS 343.980
Hist.: 1EB 255, f. & ef. 12-20-76

Records and Reports

581-15-395 The Division shall complete and forward promptly all reports required by the Department.

Stat. Auth.: ORS Ch. 343
Stats. Implemented: ORS 343.980
Hist.: 1EB 255, f. & ef. 12-20-76

Bonded Employees

581-15-400 The Division shall cause all employees responsible for custody of student funds, fees, or cash collections to be covered under a Division approved bond.

Stat. Auth.: ORS Ch. 343
Stats. Implemented: ORS 343.980
Hist.: 1EB 255, f. & ef. 12-20-76

Accounting of Funds

581-15-405 (1) Student activity funds and other student fee or cash collections shall be examined annually by a Division approved accountant.

(2) The Division shall adopt policies defining "student activity funds" and prescribe specific purposes for which each such fund may be used.

(3) "Student activity funds" shall be used only for those purposes describe by Division policies adopted in compliance with this rule.

Stat. Auth.: ORS Ch. 343

Stats. Implemented: ORS 343.980
Hist.: 1EB 255, f. & ef. 12-20-76

Evaluating Student Transcripts

581-15-410 In evaluating student transcripts, the Division shall:

(1) Accept satisfactory 9th grade attendance and satisfactorily completed units of 9th grade credit from a standard Oregon junior high school on the same basis as when completed in a four-year Oregon high school.

(2) Accept minimum competencies, credits, and attendance completed in a standard Oregon school as if they had been earned in a Division school.

(3) For out-of-state transfer students:

(a) Accept units of credit and attendance completed in standard secondary schools as if the requirements had been completed in this state;

(b) Determine which Division minimum competencies the student must demonstrate to meet Division requirements for graduation.

(4) For students from a private, alternative, or nonstandard public secondary school:

(a) Determine the value of credits;

(b) Determine which Division minimum competencies the student must demonstrate to meet the requirements for graduation;

(c) Determine the number of years of school attendance or equivalent.

(5) Determine grade placement for elementary students enrolled in Grades Kindergarten through 8.

(6) Determine the value of credits obtained through correspondence courses as applicable to meeting state and Division requirements for graduation.

(7) Determine the value of credits obtained in an approved community college program as applicable toward meeting state and Division requirements for graduation.

Stat. Auth.: ORS Ch. 343
Stats. Implemented: ORS 343.980
Hist.: 1EB 255, f. & ef. 12-20-76

Required Days of Instruction

581-15-415 The Division shall schedule and provide an annual school year consisting of a minimum 220 days of actual classroom instruction (time students are present for a major portion of a scheduled school day, engaged in learning experiences related to Division goals and under guidance of teachers). Up to five days of temporary closure due to extraordinary conditions may be counted toward the 220 days, subject to the Superintendent's approval.

Stat. Auth.: ORS Ch. 343
Stats. Implemented: ORS 343.980
Hist.: 1EB 255, f. & ef. 12-20-76

Guidance and Counseling

581-15-420 (1) The Division shall by 7-1-77 approve a guidance and counseling program to support the educational development of each student by:

(a) Developing goals including but not limited to:

(A) Developing decision-making skills;

(B) Obtaining information about self;

(C) Understanding opportunities and alternatives available in educational programs;

(D) Setting tentative career and education goals;

(E) Accepting increasing responsibility for one's actions;

(F) Developing skills in interpersonal relations;

(G) Utilizing school and community resources.

(b) Identifying individual guidance needs in relation to goals in OAR 581-15-305 and goals in section (1) of this rule;

(c) Specifying instructional, guidance, and counseling activities utilized in achieving guidance goals;

(d) Assigning guidance responsibilities to each school;

(e) Defining the rationale to be used for assigning teachers, counselors, or other specialists;

(f) Coordinating programs in Grades Kindergarten through 12;

(g) Specifying methods for program evaluation.

(2) High school educational guidance counselor ratios shall conform as nearly as practical to those recommended by the **"National Advisory Commission on Criminal Justice Standards and Goals"**, in the publications **"Corrections", 1973**.

[**Publications:** The publication(s) referred to or incorporated by reference in this rule are available from the office of the Department of Education.]

Stat. Auth.: ORS Ch. 343
Stats. Implemented: ORS 343.980
Hist.: 1EB 255, f. & ef. 12-20-76

School Guidance and Counseling

581-15-425 Each school guidance and counseling program shall by 7-1-77 be based on a written plan:

(1) Specifying goals including but not limited to those assigned in the Division program.

(2) Specifying staff assignments in accordance with the rationale in the Division program.

(3) Providing counseling assignments consistent with certification rules.

(4) Identifying instructional, guidance, and counseling activities used to achieve guidance goals.

Stat. Auth.: ORS Ch. 343
Stats. Implemented: ORS 343.980
Hist.: 1EB 255, f. & ef. 12-20-76

Student Records

581-15-430 The Division shall adopt a policy which:

(1) Conforms to statutes for access to and dissemination of information in student records.

(2) Provides for maintaining permanent student records to include:

(a) Full name of student;
(b) Student birth date;
(c) Parents'/guardians' names;
(d) Date of entry into the school;
(e) Name of school previously attended;
(f) Subjects taken;
(g) Marks received and/or credits earned;
(h) Attendance;
(i) Date and reason for leaving school;

(j) Such additional information as the Division may prescribe.

(3) Provides for the permanent record to be retained in a minimum one-hour fire-safe place in the school or Division office, or for keeping duplicate permanent records in a safe depository outside the building.

(4) Provides for transferring student progress records to another educational institution upon receipt of notice of enrollment.

(5) Provides for transferring behavioral records to another educational institution only upon request of the student's parents, guardian, or the student if 18 or over.

Stat. Auth.: ORS Ch. 343
Stats. Implemented: ORS 343.980
Hist.: 1EB 255, f. & ef. 12-20-76

School Staff

581-15-435 (1) Only properly certificated teaching and counseling personnel, and qualified supportive staff, whose names appear on State Personnel lists as a result of Civil Service examinations, shall be employed in each Division educational program. Full-time personnel to adequately administer, supervise, teach, and maintain required and elective school programs shall include but not be limited to the following personnel categories:

(a) Institution Teacher I;

(b) Institution Vocational Instruction;

(c) Assistant Principal (Institution Teacher II);

(d) Curriculum Coordinator (Institution Teacher II);

(e) Teacher Aides (particularly to assist in those areas of rate grading such as mathematics; potential danger, such as areas in science; and specialized programs such as learning laboratories in reading and mathematics);

(f) Teacher-Media Specialist, Media Aide, and Learning Laboratory Special Education Teacher;

(g) Educational Counselors; and

(h) Certificated Substitute Teachers.

(2) Personnel assignments shall conform to certification and job qualification rules.

(3) The nature of supervision given teachers or media aides shall be set forth in written guidelines.

Stat. Auth.: ORS Ch. 343
Stats. Implemented: ORS 343.980
Hist.: 1EB 255, f. & ef. 12-20-76

Daily Class Size

581-15-440 (1) Each Division school shall maintain class sizes in academic education at ratios which conform as nearly as practical to the class size ratio recommended in the publication, **"Sourcebook on Prison Education", 1971**.

(2) Each Division school shall maintain class sizes in vocational education at ratios which conform as nearly as practical to the class size ratio recommended by the **"National Advisory Commission Criminal Justice Standards and Goals"**, in its publication **"Correction", 1973**.

(3) Division policies shall state upper limits of class section enrollments deemed functional in terms of efficient staff utilization, need of access to individualized instruction by the students, and the purpose and nature of particular school subjects or class groupings.

[Publications: The publication(s) referred to or incorporated by reference in this rule are available from the Department of Education.]

Stat. Auth.: ORS Ch. 343
Stats. Implemented: ORS 343.980
Hist.: 1EB 255, f. & ef. 12-20-76

School Media Center Libraries

581-15-445 (1) Each Division school shall provide a center offering organized media services and materials consistent with the school program and course goals and with personal needs of students. This center shall be located appropriately to serve needs of the instructional program. The center shall be designed to accommodate instruction in programs in basic research skills.

(2) Media centers shall include:

(a) A facility from which both print and nonprint materials and services are available to teachers and students;

(b) A system of cataloguing all print and nonprint materials and procedures which permit access to the materials by teachers and students on a timely basis; and

(c) Sufficient space to accommodate the lesser of 25 percent of the school's student body or the students and personnel from two average size classes.

Stat. Auth.: ORS Ch. 343
Stats. Implemented: ORS 343.980
Hist.: 1EB 255, f. & ef. 12-20-76

Materials Selection and Purchase

581-15-450 Division procedures for selection and purchase of instructional materials shall be established. The procedures shall:

(1) Delineate responsibilities for reviewing, previewing, recommending, and approving materials for purchase.

(2) Set forth criteria and means ensuring that selections are directed toward meeting educational program needs and goals, and the personal needs of students for informational and leisure use materials.

(3) Include a process for handling complaints concerning media materials; both those in use and those being considered for purchase.

Stat. Auth.: ORS Ch. 343
Stats. Implemented: ORS 343.980
Hist.: 1EB 255, f. & ef. 12-20-76

Equipment Purchase

581-15-455 (1) Division procedures coordinating evaluation and purchase of instructional equipment to insure quality and compatibility of the equipment with needs of teachers and students shall be established.

(2) The procedures shall include, but are not limited to:

(a) Assurance of teacher input regarding instructional needs;

(b) Assurance of dependable technical operation with regard to electrical, mechanical, and related characteristics of the equipment; and

(c) Technical input to assure interchangeability of software such as tapes and films, and the compatibility of parts or accessories used in conjunction with the equipment.

Stat. Auth.: ORS Ch. 343
Stats. Implemented: ORS 343.980
Hist.: 1EB 255, f. & ef. 12-20-76

Facilities

581-15-460 The Division shall insure:

(1) The existence, use, and practical arrangement of appropriate space and facilities necessary to achieve Division instructional and support program goals.

(2) The existence, use, and practical arrangement of appropriate service spaces and systems necessary to complete a physical complex which assures the health, safety, and well-being of students and educational employees.

Stat. Auth.: ORS Ch. 343
Stats. Implemented: ORS 343.980
Hist.: 1EB 255, f. & ef. 12-20-76

Furniture, Equipment, Materials

581-15-465 (1) Equipment and materials necessary to effectively support programs and activities implementing Division educational goals shall be provided for each school.

(2) All items of equipment and materials shall be selected, supplied, and maintained with consideration for the health and safety of students and educational employees.

Stat. Auth.: ORS Ch. 343
Stats. Implemented: ORS 343.980
Hist.: 1EB 255, f. & ef. 12-20-76

Building Program and Plans

581-15-470 (1) The Division shall obtain Department review of its:

(a) Educational building program to include planned and projected school population, grade levels served, activities to be accommodated by both building and site, desirable relationships between various activities, the desired character of the school, and its educational outcomes;

(b) Preliminary drawings — to scale, clear, accurate — describing proposed construction or remodeling work by means of floor plans, elevations drawings, sectional drawings, and site plans describing project scope, size, shape, configuration, fenestration, and general interrelationships of building elements, and relationship of building mass to site and site development;

(c) Outline specifications indicating general scope of project and types of structural, mechanical, and lighting systems, building materials, exterior and interior finishes, and site development particulars.

(2) The Division shall subsequently obtain Department review of working drawings and specifications (architectural contract documents) clearly, accurately, and completely describing proposed construction.

Stat. Auth.: ORS Ch. 343
Stats. Implemented: ORS 343.980
Hist.: 1EB 255, f. & ef. 12-20-76

Emergency Plans and Programs

581-15-475 (1) The Division shall be responsible for management of a current comprehensive educational employee-student emergency plan and safety program for all educational programs under its jurisdiction.

(2) The plan shall include:

(a) Written procedures disseminated to employees and posted in conspicuous locations for students to provide guidance for safety of students and staff at times of emergency;

(b) Written emergency procedures for coordination between the school and local emergency service agencies;

(c) Records of regularly conducted emergency drills for fire, transportation accident, or other potential crisis;

(d) Written policies which provide a school safety organization with specific safety responsibilities assigned to personnel; and

(e) Posted emergency medical plan for obtaining first aid, ambulance, hospital, and doctor's services.

Stat. Auth.: ORS Ch. 343
Stats. Implemented: ORS 343.980
Hist.: 1EB 255, f. & ef. 12-20-76

Safety Inspection Practices

581-15-480 (1) The Division shall conduct and document regularly scheduled safety inspections of educational facilities under its jurisdiction.

(2) The dates and results of safety inspections shall be recorded.

(3) Records of safety hazards reported and actions taken for elimination of hazards shall be maintained.

Stat. Auth.: ORS Ch. 343
Stats. Implemented: ORS 343.980
Hist.: 1EB 255, f. & ef. 12-20-76

Accident Prevention In-Service

581-15-485 The Division shall conduct an accident prevention in-service program as part of a regular orientation program for educational employees and shall maintain agendas for accident prevention orientations.

Stat. Auth.: ORS Ch. 343
Stats. Implemented: ORS 343.980
Hist.: 1EB 255, f. & ef. 12-20-76

Accident Reporting Systems

581-15-490 (1) The Division shall maintain an accident reporting system for accidents occurring on Division school property, or involving educational employees, students, or visiting public.

(2) The Division shall make available to educational personnel:

(a) Accident report forms and written instructions for their use and disposition; and

(b) Instructions describing procedures for accident investigation, review, and preventative action.

(3) A file containing accident reports filed pursuant to section (1) of this rule shall be maintained.

Stat. Auth.: ORS Ch. 343

Stats. Implemented: ORS 343.980
Hist.: 1EB 255, f. & ef. 12-20-76

Safety Devices, Equipment, and Inspection

581-15-495 (1) Necessary safety devices, safety equipment, and safety instruction for students and adults involved in activities where hazards may exist shall be provided.

(2) The following shall be provided:

(a) Handbooks, curriculum guides, course descriptions, or lesson plans describing safety instruction given to students involved in activities where hazards may exist;

(b) In-service agenda or other evidence of safety instruction for educational employees whose work may involve exposure to potential hazards; and

(c) First aid supplies and qualified first aid personnel.

Stat. Auth.: ORS Ch. 343
Stats. Implemented: ORS 343.980
Hist.: 1EB 255, f. & ef. 12-20-76

Custodial Services

581-15-500 (1) Buildings and grounds used as part of the educational program shall be maintained to provide conditions conducive to the health and safety of all persons.

(2) The following items shall be provided:

(a) Regularly scheduled cleaning of all buildings, furniture, and equipment utilized by students or educational program staff; and

(b) Adequate supplies of lavatory items available for use.

Stat. Auth.: ORS Ch. 343
Stats. Implemented: ORS 343.980
Hist.: 1EB 255, f. & ef. 12-20-76

Education Programs for Children at Residential Youth Care Centers

581-15-505 The purpose of this rule is to ensure that districts meet the provisions outlined in ORS 339.165 through ORS 339.195.

(1) Definitions — For the purposes of this rule, the following definitions shall apply:

(a) "Consultation" means scheduled opportunities for the residential youth care center director and the education representative of the responsible district, or its contractor, to share information and concerns about the behavioral characteristics, learning styles, and educational needs of the children residing at the residential youth care center in order to develop, review, and evaluate the education plan;

(b) "Residential youth care center" means a community program defined in ORS 420.855 and operated by a private agency. Residential youth care centers where resident children receive education services funded under ORS 343.961 are not included under the provisions of this rule;

(c) "Least restrictive environment" means serving a child in the education setting in which the child can reasonably be expected to learn while maintaining integration in the local community;

(d) "Responsible district" means the school district in which the residential youth care center is located;

(e) "Attending district" means the responsible school district or its contractor under subsection (2)(a) of this rule. The district where the children will attend school is the "attending district";

(f) "Open entry-open exit" means that the education program shall provide opportunities for students to make progress in obtaining school credits or otherwise meeting their education goals even though they may enroll or exit any time during the school year.

(2)(a) The school district in which the residential youth care center is located is responsible for developing a plan which meets the provisions outlined in ORS 339.165 through 339.195. The district may contract this responsibility to another school district or ESD;

(b) The plan must be developed by the responsible district or its contractor after consultation with the residential youth care center director and shall address behavioral characteristics, learning styles, and educational needs of the children pursuant to OAR 581-22-602;

(c) The plan for an education program shall provide for open entry-open exit and shall provide opportunities for students to earn school credits in accordance with OAR 581-22-317 and 581-23-008, opportunities for earning a GED when appropriate, or appropriate skill development to ensure education progress. A continuum of education services shall be available which assure placement of children in the least restrictive environment in which they can reasonably be expected to be successful until they are exempted from compulsory attendance or receive a high school diploma or an equivalent;

(d) Such plans shall be submitted to the Department of Education by the responsible district or its contractor by June 15 of each year. Upon approval of the plan, the responsible district or its contractor is eligible to receive funds under this rule;

(e) In the second and subsequent years the responsible district or its contractor shall report to the Department on the prior years program. This report shall include information on the characteristics of the youth served, number of youth served, program outcomes, and the success of the prior years plan.

(3) The local school board shall provide for a process for solving differences including the opportunity for an impartial hearing. This process shall include reasonable timelines.

(4) It is the responsible district's obligation to insure compliance with sections (2) and (3) of this rule. If the district does not comply directly or through its contractor, the State Superintendent shall find the district deficient and shall apply the penalty provided in ORS 327.103.

(5) Funds shall be awarded based on the Children's Services Division contracted Average Daily Population for the center of the previous year minus the number of Full Time Equivalent handicapped students who were billed under ORS 339.185 as eligible for double billing the previous year. Available funds shall be divided among the eligible districts on a per student basis.

(6) Supplanting Funds — Funds received under this rule may not be used to supplant funds received through ORS 339.165 through 339.195 or to reduce the responsible district's obligation to in-district students in the residential youth care center:

(a) None of these monies may be used for care, treatment, medical expenses, of that transportation which is eligible for billing under ORS 327.035 and 343.281;

(b) Districts may apply for other local, state, federal, and private foundation funds to further supplement services.

Stat. Auth.: ORS Ch.
Stats. Implemented: ORS 336.580
Hist.: EB 9-1988(Temp), f. & cert. ef. 2-17-88; EB 29-1988, f. & cert. ef. 7-5-88

[ED. NOTE: The text of Temporary Rules is not printed in the Oregon Administrative Rules Compilation. Copies may be obtained from the adopting agency or the Secretary of State.]

Purpose and Statutory Authority
581-15-510 [1EB 7-1985, f. 1-30-85, ef. 1-31-85; Repealed by EB 11-1993, f. & cert. ef. 3-25-93]

Definitions ;
581-15-515 [1EB 7-1985, f. 1-30-85, ef. 1-31-85; Repealed by EB 11-1993, f. & cert. ef. 3-25-93]

General
581-15-520 [1EB 7-1985, f. 1-30-85, ef. 1-31-85; Repealed by EB 11-1993, f. & cert. ef. 3-25-93]

Eligibility Determination
581-15-525 [1EB 7-1985, f. 1-30-85, ef. 1-31-85; Repealed by EB 11-1993, f. & cert. ef. 3-25-93]

Enrollment
581-15-530 [1EB 7-1985, f. 1-30-85, ef. 1-31-85; Repealed by EB 11-1993, f. & cert. ef. 3-25-93]

Individual Program Plans
581-15-535 [1EB 7-1985, f. 1-30-85, ef. 1-31-85; Repealed by EB 11-1993, f. & cert. ef. 3-25-93]

Grievance Procedures
581-15-540 [1EB 7-1985, f. 1-30-85, ef. 1-31-85; Repealed by EB 11-1993, f. & cert. ef. 3-25-93]

Variances
581-15-545 [1EB 7-1985, f. 1-30-85, ef. 1-31-85; Repealed by EB 11-1993, f. & cert. ef. 3-25-93]

Special Education Programs for Disadvantaged Children

Disadvantaged Children

581-15-750 (1) To qualify for funds from the Disadvantaged Children Program, established pursuant to ORS 343.650 through 343.680, the school district shall submit to the Oregon Department of Education:

(a) By August 1 of each year an annual application which presents the goals, activities and budget for the district program;

(b) By August 1 of each year an annual evaluation report measuring the success of the project in reaching its projected goals for the previous project year; and

(c) By December 31 of each year an annual fiscal report summarizing project expenditures for the previous project year.

(2) Funds provided under the Disadvantaged Children Program shall be authorized to meet the needs of disadvantaged children as defined in ORS 343.650; however, these funds shall not be used to supplant local funding responsibilities.

Stat. Auth.: ORS Ch. 343
Stats. Implemented: ORS 343.650 - 343.680
Hist.: 1EB 16-1980, f. & ef. 6-9-80

Talented and Gifted

Definitions

581-15-805 The following definitions apply to OAR 581-15-811 through 581-15-840 unless the context requires otherwise:

(1) "Talented and Gifted Children": Those children, as defined in ORS 343.391, who require special educational programs or services, or both, beyond those normally provided by the regular school program.

(2) "Parent": A natural or adoptive mother or father, a legally appointed guardian or, if the child has attained the age of majority, the individual student.

(3) "School District": The same meaning as in ORS 330.005 and also includes, where appropriate, an education service district or a consortium of school districts submitting a joint written plan and application to serve talented and gifted children.

(4) "Case Study": The information concerning a student used for the selection and placement of the student, as described in OAR 581-15-830, in a special education program and considered a "behavioral record" as defined in ORS 226.185. The information shall include:

(a) All identification measures as contained in OAR 581-15-830(6);

(b) Diagnostic information as appropriate;

(c) Parental consent forms; and

(d) A summary of the selection team decision on placement and the reasons for that decision.

(5) "Selection Team": A committee responsible for developing individual case studies and selecting students for placement in programs for the talented and gifted.

(6) "Written Plan": The district goals and plan for developing services and programs, the timeline for implementation and plan for evaluating progress toward achieving the goals.

(7) "Application": A one-year request for state funds by a school district which specifies goals for the program or service, and goals for students.

Stat. Auth.: ORS Ch. 343
Stats. Implemented: ORS 343.411
Hist.: 1EB 21, f. 1-19-60; 1EB 47, f. 3-4-60; 1EB 21-1978, f. 6-19-78, ef. 6-20-78; 1EB 13-1979, f. 9-21-79, ef. 10-2-79

Applications for Grants for Programs for the Talented and Gifted Pupils
581-15-810 [1EB 21, f. 1-19-60; 1EB 47, f. 3-4-60; 1EB 21-1978, f. 6-19-78, ef. 6-20-78; Repealed by 1EB 13-1979, f. 9-21-79, ef. 10-2-79]

District Plans

581-15-811 (1) Each district shall submit a written plan to the State Superintendent of Public Instruction pursuant to ORS 343.391 to 343.404, in order to be eligible for a talented and gifted program grant.

(2) The plan may be submitted as part of the first year application for state funds.

(3) The State Superintendent shall notify each school district within 60 days of the submission date as to the plan's approval, disapproval or need for revision.

Stat. Auth.: ORS Ch. 343
Stats. Implemented: ORS 343.411
Hist.: 1EB 13-1979, f. 9-21-79, ef. 10-2-79

Extraordinary Effort to Serve Talented and Gifted Pupils

581-15-815 [1EB 21, f. 1-19-60;
1EB 47, f. 3-4-60;
1EB 21-1978, f. 6-19-78, ef. 6-20-78;
Repealed by 1EB 13-1979,
f. 9-21-79, ef. 10-2-79]

Applications for Grants

581-15-816 (1) Applications for grants for state reimbursement shall be submitted on or before the first Friday in March of each school year on a form provided by the Department.

(2) The application shall address the standards prescribed in ORS 343.397 and 343.399 and criteria for applications prescribed in OAR 581-15-820.

(3) The State Superintendent of Public Instruction may reopen the application period if approved applications do not require the disbursement of all available funds.

(4) The State Superintendent of Public Instruction shall notify school districts of the approval or disapproval of their applications within 90 days of the submission date.

Stat. Auth.: ORS 343.399 & 343.409
Stats. Implemented: ORS 343.411
Hist.: 1EB 13-1979, f. 9-21-79, ef. 10-2-79; 1EB 4-1981, f. & ef. 2-5-81; EB 26-1991, f. & cert. ef. 11-29-91

Selection of Applications and Allocation of Funds

581-15-820 (1) The State Advisory Committee for Talented and Gifted Education shall review all applications and submit in rank order its recommendations for approval to the State Superintendent of Public Instruction; its decisions shall be based on the point system described in section (2) of this rule and according to priorities set by the State Superintendent for types of programs or categories of students.

(2) The State Advisory Committee shall use the following point system when evaluating grant applications:

(a) A statement of the school district's present level of special educational programs and services for talented and gifted students and a rationale for the proposed programs and services to be developed and disseminated through the grant project, including how the proposed project addresses the State Superintendent's priorities (5 points);

(b) A description of how the current and proposed programs conform to the district's written plan (5 points);

(c) District policies and procedures for determining student eligibility which demonstrate compliance with OAR 581-15-835 and 581-22-403(1) (5 points);

(d) A description of the proposed project, including:

(A) Individual student assessment and evaluative procedures as described in OAR 581-22-403(2) and tools that will be used to determine the need for programs and services (10 points);

(B) Justification of the purposes and goals of the programs and services to be developed through the project in terms of the student assessment and evaluative procedures and tools used, and the expected outcomes or results for students (25 points);

(C) The organization and operations of the project including management responsibilities and a project timeline (10 points).

(e) A description of the resources and facilities to be used to conduct the project including staffing, materials, equipment and other resources and the justification for the sufficiency of these resources to conduct the project (10 points);

(f) A description of the products to be disseminated and training to be provided through the project. Products may include, but are not limited to, program guides, curriculum materials, and video productions (10 points);

(g) An evaluation design which demonstrates the effectiveness of the project in terms of student learning and organizational effectiveness and efficiency (10 points);

(h) A detailed budget for the project including local and state funds and a justification statement for expenditures (10 points).

(3) Grants will be awarded on an approved cost basis:

(a) The following classes of budgeted costs will be approvable expenditures and may be used to calculate approved program costs:

(A) Costs of personnel and direct service to students;

(B) Costs for contracted direct services to students, such as mentor arrangements, transportation costs, instructional services from private agencies for students;

(C) Supplies and materials purchased for use with students or by program personnel in the development of instruction for students;

(D) Capital expenditures for equipment and materials to be used in the instructional program for identified students;

(E) Inservice training costs for program staff in the development of skills and abilities directly related to the instructional program. Awareness training costs for general staff may also be included.

(b) The approved program cost basis for allocating state funds shall be a percentage arrived at by the ratio of state funds available for any fiscal year in proportion to the total of the approved program costs submitted by applicant districts.

(4) The State Superintendent shall select projects to receive state funds from the rank order list provided by the State Advisory Committee; such projects shall comply with ORS 343.397 through 343.409.

(5) In the case where federal funds are made available for state administered programs, the Department of Education may award these funds to school districts for special projects using the following guidelines:

(a) Awards will be made on a competitive basis, using the procedures and criteria described in sections (1), (2) and (4) of this rule;

(b) Approvable costs will include those items listed in subsection (3)(a) of this rule, and also may include the costs of identification, professional services, printing and other costs judged to be integral to the proposed project;

(c) Grants will be awarded on a matching basis.

Stat. Auth.: ORS 343.399 & 343.409
Stats. Implemented: ORS 343.411
Hist.: 1EB 21, f. 1-19-60; 1EB 47, f. 3-4-60; 1EB 21-1978, f. 6-19-78, ef. 6-20-78; 1EB 12-1979(Temp), f. & ef. 9-5-79; 1EB 13-1979, f. 9-21-79, ef. 10-2-79; 1EB 21-1979, f. & ef. 11-15-79; 1EB 12-1980, f. & ef. 5-5-80; 1EB 3-1981, f. & ef. 2-5-81; EB 27-1991, f. & cert. ef. 11-29-91

[**ED. NOTE:** The text of Temporary Rules is not printed in the Oregon Administrative Rules Compilation. Copies may be obtained from the adopting agency or the Secretary of State.]

Quarterly Payments and Accounting for Grants

581-15-825 (1) Districts receiving grants shall be reimbursed by the Oregon Department of Education, in four quarterly installments, and shall be notified of the amount of the first payment at least 30 days prior to that payment.

(2) Beginning with the second quarter and each quarter thereafter, districts receiving grants shall report to the Department of Education, on Form Number 581-3140 provided by the Department, their expenditures of grant funds and any balances unexpended or unencumbered.

(3) If the State Superintendent determines after any quarterly accounting that any portions of the grant awarded to a school district or the district matching funds for an approved project have not been spent or encumbered for that program, such portions shall be recovered by reducing the district's ensuing quarterly payments.

Stat. Auth.: ORS Ch. 345
Stats. Implemented: ORS 343.411
Hist.: 1EB 21, f. 1-19-60; 1EB 47, f. 3-4-60; 1EB 21-1978, f. 6-19-78, ef. 6-20-78; 1EB 13-1979, f. 9-21-79, ef. 10-2-79

Identification and Assessment of Students

581-15-830 [1EB 21, f. 1-19-60;
1EB 47, f. 3-4-60;
1EB 21-1978, f. 6-19-78, ef. 6-20-78;
1EB 13-1979, f. 9-21-79, ef. 10-2-79;
Repealed by EB 6-1995,
f. & cert. ef. 1-24-95]

Provision of Appropriate Services

581-15-835 [1EB 21, f. 1-19-60;
1EB 47, f. 3-4-60;
1EB 21-1978, f. 6-19-78, ef. 6-20-78;
1EB 13-1979, f. 9-21-79, ef. 10-2-79;
Repealed by EB 6-1995,
f. & cert. ef. 1-24-95]

Rights of Parents of Students Considered for Talented and Gifted Programs

581-15-840 [1EB 21, f. 1-19-60;
1EB 47, f. 3-4-60;
1EB 21-1978, f. 6-19-78, ef. 6-20-78;
1EB 13-1979, f. 9-21-79, ef. 10-2-79;
Repealed by EB 6-1995,
f. & cert. ef. 1-24-95]

Early Intervention and Early Childhood Special Education Programs

Definitions

581-15-900 (1) "Assessment" means the ongoing procedures used by appropriate qualified personnel throughout the period of a child's eligibility.

(2) "Communication" means receptive or expressive language development.

(3) "Department" means the Oregon Department of Education.

(4) "Designated Referral and Evaluation Agency" means the agency in each county designated to be the referral point for parents and others who may suspect that a child may need early intervention or early childhood special education, and to be responsible for assuring that all referred children receive evaluation for potential eligibility for early intervention and early childhood special education.

(5) "Early Childhood Special Education" means free, specially designed instruction to meet the unique needs of a preschool child with a disability, three years of age until the age of eligibility for kindergarten, where instruction is provided in any of the following settings: home, hospitals, institutions, special schools, classrooms, and community child care or preschool settings, or both.

(6) "Early Intervention and Early Childhood Special Education Assistants" means individuals who implement program activities under the direct supervision of the professional personnel.

(7) "Early Intervention and Early Childhood Special Education Specialists" means professionals who implement or coordinate the implementation of individualized family service plans.

(8) "Early Intervention Services" means services for preschool children with disabilities from birth until three years of age that are:

(a) Designed to meet the developmental needs of children with disabilities and the needs of the family related to enhancing the child's development;

(b) Selected in collaboration with the parents;

(c) Provided:

(A) Under public supervision;

(B) By personnel qualified in accordance with criteria established by rules of the State Board of Education; and

(C) In conformity with an individualized family service plan.

(d) At no cost to parents; and

(e) Meet all applicable state requirements.

(9) "Educational Records" means those records that are:

(a) Directly related to a student; and

(b) Maintained by a primary contractor or subcontractor.

(10) "Evaluation" means the procedures used by qualified personnel to determine a child's initial and continuing eligibility for early intervention

services or early childhood special education.

(11) "Independent Educational Evaluation" means an evaluation conducted by a qualified examiner who is not employed by the Department, the primary contractor, or sub contractor responsible for the child in question.

(12) "Individualized Family Service Plan" means a written plan of early childhood special education, related services, early intervention services, and other services developed in accordance with criteria established by the State Board of Education for each child eligible for services under this chapter.

(13) "Informed Clinical Opinion" means the acquisition and interpretation of multiple sources of information as part of the evaluation and assessment process. This includes evaluation and assessment results, observation reports, previous testing results, medical data, parent reports, and other evaluative information. A review of this information is used in forming a determination regarding current developmental status and the need for early intervention.

(14) "Instruction" means providing families with information and skills that support the achievement of the goals and outcomes in the child's individualized family service plan and working with preschool children with disabilities in one or more of the following developmental areas: communication development, social or emotional development, physical development, including vision and hearing, adaptive development, and cognitive development.

(15) "Monitoring" means activities carried out by the Department and its primary contractors which measure the subcontractor's compliance with state and federal mandates for the provision of early intervention and early childhood special education.

(16) "Natural Environment" means settings that are natural or normal for the child's age peers who have no disability. To the maximum extent appropriate to the needs of the child, early intervention and early childhood special education services must be provided in natural environments, including the home and community settings in which children without disabilities participate.

(17) "Other Services" means those services which may be provided to preschool children with disabilities and to their families that are not early childhood special education or early intervention services and are not paid for with early childhood special education or early intervention funds.

(18) "Parent" means a parent of a preschool child with disabilities and includes a natural parent, legal guardian, other than a state agency, or an individual acting as a parent in the absence of a parent or guardian.

(19) "Periodic Review" means a review of the individualized family service plan for a child and the child's family. A review shall be conducted every six months or more frequently if conditions warrant. An early intervention or early childhood special education program or parent may request a review of the individualized family service plan.

(20) "Physical Development" means gross or fine motor development.

(21) "Preschool Child with Disabilities" means all children from:

(a) Birth until three years of age who are eligible for early intervention services because they are experiencing developmental delays or have diagnosed mental or physical conditions that will result in developmental delay; or

(b) Three years of age to eligibility for entry into kindergarten who need childhood special education services because they are experiencing developmental delay or because they have been evaluated as having one of the conditions listed for school-age children in OAR 581-15-051.

(22) "Primary Contractor" means the agency designated by the Department to administer the provision of early intervention and early childhood special education within selected service areas.

(23) "Professional Development Plan" means a written document specifying the name of the employee, the position, current qualifications, current deficits, an accounting of steps to be taken to rectify deficits including timelines, persons responsible, and the final date by which the plan will be complete.

(24) "Public Agencies" means school districts and public agency subcontractors for early intervention and early childhood special education.

(25) "Related Services" includes transportation and such developmental, corrective, and other supportive services, including speech pathology and audiology, psychological services, physical and occupational therapy, special equipment, reader services, volunteer services to enhance special education programs, recreation, counseling, social work services, and medical services except that such medical services shall be for diagnostic and evaluation purposes only, as may be required to assist children with disabilities, three years of age until the age of eligibility for kindergarten, to benefit from special education or early childhood special education and includes early identification and assessment of disabling conditions.

(26) "Related Services Personnel" means professionals who consult, supervise, train staff, design curriculum, or implement related services.

(27) "Service Coordination" means the activities carried out by a service coordinator to assist and enable an eligible child and the child's family to receive the rights, procedural safeguards and services that are authorized under the state's early intervention program and to coordinate access to other services designated on the individualized family service plan.

(28) "Subcontractor" means the agency or agencies selected by the primary contractor to provide services for early intervention and early childhood special education.

(29) "Supervision" means the activities carried out by the Department and its primary contractors to oversee the provision of early intervention and early childhood special education services.

(30) "Supervisors" means professionals who supervise and train staff, design curriculum, and administer early intervention or early childhood special education programs.

(31) "Surrogate Parent" means an individual who acts in place of a parent in safeguarding a child's rights in the early intervention or early childhood special education decision-making process when the parent cannot be identified or located after reasonable efforts or when there is reasonable cause to believe that the child has a

disability and is a ward of the state.

Stat. Auth.: ORS 343.465 - 343.534
Stats. Implemented: ORS 343.475
Hist.: EB 23-1992, f. & cert. ef. 6-23-92; EB 4-1995, f. & cert. ef. 1-24-95

Establishment of Service Areas

581-15-910 (1) The Department shall establish service areas for the provision of early intervention and early childhood special education to ensure the provision of services to preschool children with disabilities.

(2) The service areas shall be designated by the Department and they may include multiple counties.

Stat. Auth.: ORS 343.465 - 343.534
Stats. Implemented: ORS 343.475
Hist.: EB 23-1992, f. & cert. ef. 6-23-92

Selection of Primary Contractor

581-15-920 (1) The Department shall select a primary contractor to provide administration and coordination of early intervention and early childhood special education in the selected service area.

(2) The primary contractor shall be selected using criteria developed by the Department which include:

(a) Geographic location;

(b) Previous experience in the administration of special education, early intervention, or related programs; and

(c) Expressed willingness to administer the early intervention and early childhood special education program in their area in compliance with the applicable state and federal requirements.

(3) The primary contractor shall administer the early intervention and early childhood special education programs under a contract from the Department. The contract for administration shall include requirements for the following:

(a) Staffing expectations for the administration of the area program;

(b) Necessary reports to the Department;

(c) Development of an area service plan;

(d) Fiscal responsibility for the administration of primary contractor funds and the distribution of funds to subcontractors;

(e) Selection and monitoring of subcontractors including the designated referral and evaluation agency;

(f) Coordination of technical assistance to early intervention and early childhood special education programs in the primary contractor's service area;

(g) Assurances that written agreements exist between agencies to assure interagency coordination in each county of the designated service area;

(h) Assurances that a continuum of alternative placements is available to meet the needs of preschool children with disabilities enrolled in early childhood special education;

(i) Criteria for supervision of services provided by the primary contractor when no local subcontractor is available or appropriate; and

(j) Such other requirements as are determined necessary by the Department to assure the provision of early intervention and early childhood special education services as authorized by ORS 343.465 to 343.534.

(4) The contract shall include timelines, criteria, and procedures to be used by the Department for withholding funds or terminating the contract for failure to comply with contract requirements.

Stat. Auth.: ORS 343.465 - 343.534
Stats. Implemented: ORS 343.475
Hist.: EB 23-1992, f. & cert. ef. 6-23-92

Role of Local Early Intervention Interagency Advisory Council

581-15-930 (1) Each primary contractor shall solicit the advice of the local early intervention interagency advisory council in each county within the primary contractor's service area, regarding identification of service needs, coordination of services, and procedures for resolving local disputes.

(2) Recommendations for each of the components from the local advisory council described in section (1) of this rule shall be developed each biennium by the local advisory council with the assistance of the primary contractor.

(3) The recommendations from each local advisory council shall be used by the primary contractor to develop a plan for services required by the Department for the service area. This area plan will include components described in section (1) of this rule, and be presented in a format provided by the Department, and shall include:

(a) A written description of the process used in assisting local advisory councils in the development of their recommendations;

(b) The primary contractor's proposal for implementing the recommendations from the local advisory councils in the service area;

(c) Any recommendations from local advisory councils that the primary contractor does not propose to implement, and the reason for the primary contractor's decision; and

(d) A written description of the process used to try to resolve disagreements between the primary contractor's proposal and the recommendations from the local advisory council.

(4) When there is a conflict between the primary contractor's plan for early intervention and early childhood special education, and the recommendations from one or more local early intervention interagency advisory councils, and the conflict has not been resolved locally, the Department will investigate the conflict and make the final decision regarding plan approval and implementation.

Stat. Auth.: ORS 343.465 - 343.534
Stats. Implemented: ORS 343.507
Hist.: EB 23-1992, f. & cert. ef. 6-23-92

Surrogate Parents for Early Intervention and Early Childhood Special Education

581-15-935 (1) Each contractor or subcontractor serving a child participating in early intervention or early childhood special education shall insure that the rights of the child are protected when:

(a) The parent, as defined in OAR 581-15-900(18), cannot be identified or located after reasonable efforts; or

(b) The child is a ward of the state and there is reasonable cause to believe that the child has a disability.

(2) in determining the need for a surrogate, the contractor or subcontractor shall consider whether it is likely to take any action regarding the child which would require notice under OAR 581-15-940 to the parents, substitute care provider, or state agency which has legal guardianship of the child.

(3) Each contractor or subcontractor shall secure nominations of persons to serve as surrogates. The nominees must be approved by the contractor or subcontractor which shall use criteria for selection of a surrogate that insures that each nominee:

(a) Is not an employee of the Oregon Department of Education;

(b) Is not an employee of a public agency involved in the early intervention, education or care of the child;

(c) Is free of any conflict of interest that would interfere with representing the child's early intervention or special education interests; or

(d) Has or can acquire the necessary knowledge and skills to represent the parent to protect the special education rights of the child.

(4) An appointed surrogate parent shall be given written prior notice by the contractor or subcontractor of any proposal to initiate or change, or refusal to initiate or change, the identification, evaluation, individualized family service plan, placement of the child, provision of early intervention, or the provision of a free appropriate public education to the child receiving early childhood special education.

(5) A surrogate shall not be considered an employee of a contractor or subcontractor solely on the basis that the surrogate is compensated from public funds.

(6) The duties of the surrogate parent are to:

(a) Protect the early intervention or special education rights of the child;

(b) Be acquainted with the child's disability and the child's early intervention or early childhood special education needs; and

(c) Represent the child in all matters relating to the identification, evaluation and assessment, individualized family service plan, educational placement of the child, and any other matter relating to the ongoing provision of early intervention services, or the provision of a free appropriate public education to the child receiving early childhood special education.

(7) A surrogate shall have the same rights granted to a parent in a hearing under OAR 581-15-1030 if the identification, evaluation, individualized family service plan or placement of the child is contested, and the procedures regarding hearings set forth in OAR 581-15-1030 through 581-15-1080 shall apply.

(8) A parent may give written consent for a surrogate to be appointed when:

(a) The parent does not wish to participate or circumstances clearly make it not feasible for the parent to participate in protecting the early intervention special education rights of the child; or

(b) The parent lives at such a distance from the child's early intervention or educational placement that it is not practicable to participate in protecting the rights of the child.

(9) When a parent requests that a surrogate be appointed, the parent retains all parental rights to receive notice under OAR 581-15-940 and ORS 343.521(20) and all of the information provided to the surrogate. The surrogate, alone, will be responsible for all matters relating to the special education of the child unless the parent revokes consent for the surrogate's appointment pursuant to section (10) of this rule.

(10) If a parent gives written consent for a surrogate to be appointed under section (8) of this rule, the parent may revoke consent at any time by providing a written request to revoke the surrogate's appointment.

(11) The contractor or subcontractor may change or terminate the appointment of a surrogate when:

(a) The person appointed as surrogate is no longer willing to serve;

(b) The child's early intervention or early childhood special education is terminated;

(c) The child is no longer eligible for early intervention or early childhood special education services;

(d) The legal guardianship of the child is transferred to a person who is able to carry out the role of the parent;

(e) The parent, who previously could not be identified or located, is now identified or located; or

(f) The appointed surrogate is no longer eligible.

(12) A person appointed as surrogate shall not be held liable for actions taken in good faith on behalf of the parent in protecting the special education rights of the child.

(13) The contractor or subcontractor shall not appoint a surrogate when the parent is uncooperative or unresponsive to the early intervention or special education needs of the child.

Stat. Auth.: ORS 34 CFR 300.514 & 343.155 & 343.045
Stats. Implemented: ORS 343.475 & 343.531
Hist.: EB 12-1993, f. & cert. ef. 3-25-93; EB 4-1995, f. & cert. ef. 1-24-95

Parent Consent for Early Intervention

581-15-938 (1) Written parental consent shall be obtained before a child who may be disabled is given an initial evaluation and assessment unless the evaluation has been determined by final order under OAR 581-15-1060 to be appropriate without parental consent.

(2) Written parental consent shall also be obtained prior to the provision of early intervention services described in the individualized family service plan. The parents of a child eligible for early intervention services shall determine whether they, their child, or other family members shall accept or decline any early intervention services, and may decline such a service after first accepting it, without jeopardizing other early intervention services. If the parents do not provide consent with respect to a particular early intervention service or withdraw consent after first providing it, that service shall not be provided. The early intervention services for which parental consent is obtained shall be provided.

(3) Written parental consent shall also be obtained before administering to a child individual intelligence tests and all tests of personality pursuant to OAR 581-21-030(2)(a).

(4) If a parent of a child who has been identified as having a disability or who is suspected of having a disability refuses to grant consent for an initial evaluation of the child, the Department may request a hearing under OAR 581-15-1030

Stat. Auth.: ORS 343.475
Stats. Implemented: ORS
Hist.: EB 4-1995, f. & cert. ef. 1-24-95

Parent Consent for Early Childhood Special Education

581-15-939 (1) Written parental consent shall be obtained before a child who may be disabled is given a preplacement evaluation, and before such a child is initially placed in a special education program unless the evaluation or placement has been determined by final order under OAR 581-15-1060 to be appropriate without parent consent.

(2) Written parental consent also shall be obtained before administering to a child individual intelligence tests and all tests of personality pursuant to OAR 581-21-030(2)(a).

(3) If a parent of a child who has been identified as having a disability or who is suspected of having a disability refuses to grant consent in the circumstances identified in sections (1) and (2) of this rule, the Department of Education shall follow the procedures set forth in OAR 581-15-1030.

Stat. Auth.: ORS 343.475
Stats. Implemented: ORS
Hist.: EB 4-1995, f. & cert. ef. 1-24-95

Prior Notice Required for the Identification, Evaluation, or Placement in Early Intervention and Early Childhood Special Education

581-15-940 (1) Written prior notice shall be given to the parent or surrogate parent a minimum of ten calendar days prior to the primary contractor's or public agency subcontractor's proposal to initiate or change, or refusal to initiate or change, the identification, evaluation, placement of the child, or the provision of a free appropriate public education to the child if the child is three years of age to eligibility for kindergarten, or the provision of appropriate early intervention services if the child's age is from birth to age three.

(2) The content of the written prior notice shall include:

(a) A description of the action proposed or refused by the primary contractor or public agency subcontractor;

(b) An explanation of why the primary contractor or public agency subcontractor proposed or refused to take the action;

(c) A description of any options that the primary contractor or public agency subcontractor considered and reasons why those options were rejected;

(d) A description of each evaluation procedure, test, record, or report which is directly relevant to the proposal or refusal;

(e) A description of any other factors that are relevant to the primary contractor or public agency subcontractor's proposal or refusal; and

(f) A description of all of the procedural safeguards available to the parent, including all of the rights set forth in the **January 1994 Parent Rights Brochure** published by the Oregon Department of Education.

(3) The prior notice shall be:

(a) Written in language understandable to the general public; and

(b) Provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so.

(4) If the native language or other mode of communication of the parent is not a written language, the primary contractor or public agency subcontractor shall take steps to insure that:

(a) The notice is translated orally or by other means to the parent in the parent's native language or other mode of communication;

(b) A reasonable effort is made to aid the parent in understanding the content of the notice; and

(c) There is written evidence that the requirements in subsections (4)(a) and (b) of this rule have been met.

(5) If a parent is deaf or blind, or has no written language, the mode of communication shall be that normally used by the parent (such as sign language, Braille, or oral communication).

[**Publications:** The publication(s) referred to or incorporated by reference in this rule are available from the Department of Education.]

Stat. Auth.: ORS 343.465 - 343.534
Stats. Implemented: 34 CFR 300.504 - 505; ORS 343.521; 343.527; 343.531
Hist.: EB 23-1992, f. & cert. ef. 6-23-92; EB 4-1995, f. & cert. ef. 1-24-95; EB 27-1995, f. & cert. ef. 12-11-95

Evaluation Procedures for Early Childhood Special Education

581-15-941 When evaluating children suspected of being eligible for early childhood special education, school districts shall ensure that the procedures in OAR 581-15-072 are followed by the agency(ies) conducting the evaluation.

Stat. Auth.: ORS 343.465 - 343.534
Stats. Implemented: ORS
Hist.: EB 4-1995, f. & cert. ef. 1-24-95

Evaluation and Minimum Criteria for Early Childhood Special Education

581-15-942 (1) The designated referral and evaluation agency shall determine whether a child is eligible for special education by following the procedures set forth below and those in OARs 581-15-051, 581-15-071, 581-15-072, 581-15-941, and 581-015-943:

(a) In determining a child's eligibility for early childhood special education, the school district shall evaluate the child or contract with another public agency to evaluate the child;

(b) The child's multidisciplinary team, as defined in OAR 581-15-943(1), shall determine whether the child meets the minimum criteria and whether the child needs special education services.

(2) For a child suspected of being eligible for early childhood special education, the following evaluation shall be conducted:

(a) An evaluation in the area of the suspected disability following OAR 581-15-051; or

(b) An evaluation for determining a developmental delay as follows:

(A) At least one norm referenced, standardized test in each area of suspected delay,

(B) At least one additional procedure to confirm the child's level of functioning in each area of suspected delay;

(C) At least one 20-minute observation of the child;

(D) Review of previous testing, medical data, and parent reports; and

(E) Other evaluative information as necessary to determine eligibility.

(3) For a child suspected of being eligible for early childhood special education, the child shall meet the following minimum criteria:

(a) The child meets the criteria for one of the disability categories in OAR 581-15-051; or

(b) The child experiences a developmental delay of 1.5 standard deviation or more below the mean in two or more of the developmental areas listed in OAR 581-15-946(3)(a)(A)-(E).

(4) For a child to be eligible for early childhood special education, the child's multidisciplinary team shall determine that:

(a) The child's disability has an adverse impact on the child's development; and

(b) The child needs special education services as a result of the disability.

Stat. Auth.: ORS 343.465 - 343.534
Stats. Implemented: 34 CFR 300.128 - 133; 34 CFR 300.531 - 543; ORS 343.513
Hist.: EB 4-1995, f. & cert. ef. 1-24-95; EB 27-1995, f. & cert. ef. 12-11-95

Multidisciplinary Team Procedures for Determining Eligibility for Early Childhood Special Education

581-15-943 In determining a child's eligibility for early childhood special education services, the designated referral and evaluation agency shall adhere to the following procedures:

(1) A child's eligibility for special education services shall be determined by a multidisciplinary team to include two or more individuals, at least one of whom shall be a specialist knowledgeable and experienced in the evaluation and education of children with the suspected disability.

(2) The multidisciplinary team shall prepare a written statement of eligibility which includes:

(a) All evaluation data used to determine whether or not the child meets the minimum evaluation criteria;

(b) A determination of whether the child meets the minimum evaluation criteria for one of the disability categories set forth in OAR 581-15-051 or OAR 581-15-942(3)(b);

(c) A determination of whether the child's disability has an adverse impact on the child's educational performance or developmental progress;

(d) A determination of whether the child needs early childhood special education services as a result of the child's disability; and

(e) The signature of each member of the team signifying his or her concurrence or dissent.

(3) When the multidisciplinary team determines eligibility for a child suspected of having a learning disability, the team shall follow the requirements of OAR 581-15-051(5)(e), (f) and (g).

(4) For a child who may have disabilities in more than one category, the multi-disciplinary team need only qualify the child for special education services under one disability category. However, the child shall be evaluated in all areas of suspected disability, and the child's individualized family service plan shall address all of the child's special education needs.

(5) The multidisciplinary team shall review the statement of eligibility with the child's parents prior to or during the initial individualized family service plan meeting.

(6) The primary contractor or subcontractor shall notify the child's resident school district upon determination of eligibility for early childhood special education.

Stat. Auth.: ORS 343.465 - 343.534
Stats. Implemented: 34 CFR 300.128 - 133; 34 CFR 300.531 - 543; ORS 343.513
Hist.: EB 4-1995, f. & cert. ef. 1-24-95; EB 27-1995, f. & cert. ef. 12-11-95

Evaluation and Assessment Procedures for Early Intervention

581-15-945 School districts shall insure that:

(1) Procedures, tests and other evaluation materials used for evaluating children with disabilities:

(a) Are selected and administered so as not to be racially or culturally discriminatory;

(b) Are provided and administered n the parent's native language or other mode of communication, unless it is clearly not feasible to do so;

(c) Have been validated for the specific purpose for which they are used; and

(d) Are administered by trained personnel in conformance with the instructions provided by their producer.

(2) Tests and other evaluation materials include those tailored to assess specific areas of educational need and not merely those which are designed to provide a single general intelligence quotient.

(3) When testing a child with impaired sensory, manual or speaking skills, tests are selected and administered to assure an accurate determination of the child's aptitude or achievement level or whatever each test purports to measure rather than a reflection of the child's impairment.

(4) No single procedure is used as the sole criterion for determining a child's eligibility.

(5) The evaluation and assessment are made by a multidisciplinary team to include a group of persons (two or more disciplines or professions), including persons who are knowledgeable about the child.

(6) Consistent with OAR 581-15-946, the child is assessed in all the following areas: cognitive development, physical development including vision and hearing, communication development, social or emotional development, and adaptive development.

(7) The evaluation, assessment and the initial individualized family service plan, if the child is determined to be eligible, shall be completed within 45 calendar days of the initial referral.

Stat. Auth.: ORS 343.465 - 343.534
Stats. Implemented: ORS
Hist.: EB 4-1995, f. & cert. ef. 1-24-95

Evaluation of and Minimum Criteria for Early Intervention

581-15-946 (1) The designated referral and evaluation agency shall determine whether a child is eligible for early intervention services by following the procedures set forth below and those in OARs 581-15-945 and 581-15-951:

(a) In determining a child's eligibility for early intervention, the school district shall evaluate the child or contract with another public agency to evaluate the child.

(b) The child's multidisciplinary team shall determine whether the child meets the minimum criteria and whether the child needs early intervention services.

(2) For a child suspected of having a developmental delay as described in subsection (3)(b) of this rule, the following evaluation shall be conducted by the multidisciplinary team:

(a) At least one norm-referenced, standardized test addressing the child's level of functioning in each of the following areas:

(A) Cognitive development;
(B) Physical development;
(C) Communication development;
(D) Social or emotional development;
(E) Adaptive development.

(b) At least one additional procedure to confirm the child's level of functioning in each area of suspected delay listed in subsection (2)(a) of this rule;

(c) At least one 20-minute observation of the child;

(d) A review of previous testing, medical data and parent reports; and

(e) Other evaluative information as necessary to determine eligibility.

(3) For a child from birth through two years of age suspected of being eligible for early intervention, the child shall meet the following minimum criteria:

(a) The child has a diagnosed physical or mental condition that has a high probability of resulting in developmental delay, as documented by a physician licensed by a State Board of Medical Examiners; or

(b) The child experiences a developmental delay of two standard deviations or more below the mean in one or more of the following developmental areas, or 1.5 standard deviations below the mean in two or more of the developmental areas:

(A) Cognitive development;
(B) Physical development;
(C) Communication development;
(D) Social or emotional development;
(E) Adaptive development.

(4) Children found eligible under subsection (3)(a) or (b) of this rule shall be eligible for regional services if they also meet criteria under OAR 581-15-051 for vision, hearing, autism, or severe orthopedic impairment.

(5) For a child to be eligible for early intervention services, the child's multidisciplinary team shall determine that:

(a) The child's disability, as documented by a physician, has a high probability of resulting in a developmental delay described in section (3)(a) of this rule; or

(b) The child needs early intervention services as a result of the delay described in section (3)(b) of this rule.

Stat. Auth.: ORS 343.513
Stats. Implemented: 34 CFR 303.300 - 323; ORS 343.513
Hist.: EB 4-1995, f. & cert. ef. 1-24-95; EB 27-1995, f. & cert. ef. 12-11-95

Provision of Early Intervention Services Before an Evaluation and Assessment are Completed

581-15-949 Early intervention services for an eligible child and the child's family may commence before the completion of the evaluation and assessment process described in OAR 581-15-946 if the following conditions are met:

(1) Parental consent for evaluation and services is obtained.

(2) An interim individualized family service plan is developed that includes:

(a) The name of the service coordinator who will be responsible for implementation of the interim individualized family service plan and coordination with other agencies and persons; and

(b) The early intervention services that have been determined to be needed immediately by the child and the child's family.

(3) The evaluation and assessment are completed within the 45 calendar days as required in OAR 581-15-945(7).

Stat. Auth.: ORS 343.465 - 343.534
Stats. Implemented: ORS
Hist.: EB 4-1995, f. & cert. ef. 1-24-95

Eligibility Determination

581-15-950 [EB 23-1992, f. & cert. ef. 6-23-92;
Repealed by EB 4-1995,
f. & cert. ef. 1-24-95]

Multidisciplinary Team Procedures for Determining Eligibility for Early Intervention

581-15-951 In determining a child's eligibility for early intervention services, the designated referral and evaluation agency shall adhere to the following procedures:

(1) A child's eligibility for early intervention services shall be determined by a multidisciplinary team, and based on informed clinical opinion as defined in OAR 581-15-900(13). The multidisciplinary team includes a group of persons (two or more disciplines or professions), including persons who are knowledgeable about the child.

(2) The Multidisciplinary team shall prepare a written statement of eligibility which includes:

(a) A evaluation data used to determine whether or not the child meets the minimum evaluation criteria;

(b) A determination of whether the child meets the minimal evaluation criteria for early intervention set forth in OAR 581-15-946;

(c) A determination of whether the child needs early intervention services as required by OAR 581-15-946(4); and

(d) The signature of each member of the team signifying his or her concurrence or dissent.

(3) The multidisciplinary team shall review the statement of eligibility with the child's parents prior to or during the initial individualized family service plan meeting.

(4) The primary contractor or subcontractor, with written parental consent, shall notify the child's resident school district upon determination

of eligibility for early intervention.

Stat. Auth.: ORS 343.465 - 343.534
Stats. Implemented: ORS
Hist.: EB 4-1995, f. & cert. ef. 1-24-95

Periodic Evaluation; Independent Educational Evaluation

581-15-960 (1) When a child is determined to be eligible for early intervention services, eligibility must be established for early childhood special education at three years of age using the eligibility criteria and procedures outlined in OAR 581-15-051 and 581-15-942.

(2) Prior to entrance into kindergarten, the resident district shall:

(a) For children who have previously been eligible with a developmental delay, conduct an evaluation and determine eligibility;

(c) For children previously eligible in a disability category, determine whether a new evaluation and eligibility determination are necessary or whether the current eligibility statement is appropriate.

(3) Any parent of a preschool child with disabilities three years of age through the age of eligibility for kindergarten may request an independent educational evaluation at the expense of the school district pursuant to OAR 581-15-094 if the parent disagrees with an evaluation obtained by the school district.

Stat. Auth.: ORS 343.513
Stats. Implemented: ORS 343.521
Hist.: EB 23-1992, f. & cert. ef. 6-23-92; EB 4-1995, f. & cert.e f. 1-24-95

Development of the Individualized Family Service Plan

581-15-970 (1) If a determination is made that a child is delayed or disabled and needs early intervention or early childhood special education and related services, an individualized family service plan shall be developed for the child. The plan shall be done:

(a) Forty-five calendar days from he date the child is referred for early intervention services; or

(b) Thirty calendar days from the time the child is determined to be eligible for early childhood special education services.

(2) Each individualized family service plan shall contain:

(a) A statement of the child's present level of development;

(b) A statement of the annual goals and short-term objectives expected to be achieved for the child, and the criteria, evaluation procedures, evaluation schedules and timelines for each short-term objective;

(c) A statement of the specific early childhood special education or early intervention services necessary to meet the unique needs of the child;

(d) With concurrence of the family, a statement of the family's strengths, needs and major outcomes expected to be achieved as they relate to enhance the development of the child;

(e) Projected dates of initiation of services and the anticipated duration of those services;

(f) The name of the service coordinator who is responsible for coordinating the involvement of the family and agencies in implementing early intervention and other services;

(g) The steps to be taken to support the transition of the child from early intervention services to early childhood special education. A transition meeting shall be held at least 90 days before the child's third birthday and shall include:

(A) Discussions with and training of, parents regarding future placements and other matters related to the child's transition;

(B) Procedures to prepare the child for changes in service delivery, including steps to help the child adjust to, and function in, a new setting; and

(C) With parental consent, the transmission of information about the child to the early childhood special education subcontractor, if different than the child's early intervention subcontractor.

(h) The steps to be taken to support the transition of the child from early childhood special education to public schooling. A transition meeting shall be held at the annual individualized family service plan meeting the year before the child enters public school; and

(i) Other services, such as medical services, that the child may need but that are not early childhood special education of early intervention services.

(3) The designated referral and evaluation agency shall conduct the initial individualized family service plan meeting.

(4) Each primary contractor or public agency subcontractor shall be responsible for conducting subsequent individualized family service plan meeting.

Stat. Auth.: ORS 343.521
Stats. Implemented: ORS 343.521
Hist.: EB 23-1992, f. & cert. ef. 6-23-92; EB 4-1995, f. & cert. ef. 1-24-95

Participants for Early Childhood Special Education, Individualized Family Service Plan Meetings and Periodic Reviews

581-15-980 (1) Each initial and annual individualized family service plan meeting shall include the following participants:

(a) One or both of the child's parents;

(b) The child's early childhood special education teacher or specialist;

(c) A representative of the primary contracting agency or a public subcontracting agency, other than the child's early childhood special education teacher or specialist, who is qualified to provide or supervise the provision of early childhood special education services;

(d) Other individuals at the discretion of the parent, primary contractor, or subcontractor;

(e) A member of the evaluation team or a person knowledgeable about the evaluation procedures and results if this is the child's initial individualized family service plan meeting; and

(f) A representative of the school district in which the child resides during the year before the child enters school.

(2) For each initial and annual individualized family service plan meeting, if a parent of a child receiving early childhood special education is unable to attend, arrangements shall be made for his or her involvement through other means, including:

(a) Rescheduling the meeting date at another time or place that is mutually agreeable to parents; or

(b) Participation through a telephone conference call.

(3) Documentation of the arrangements outlined in section (2) of this rule must be listed on the individualized family service plan.

(4) Each periodic review shall include the participants in subsections (1)(a) and (b) of this rule. When the review indicates any changes in the individualized family service plan, then an individualized family service plan meeting shall be held, following all individualized family service plan procedural requirements.

Stat. Auth.: ORS 343.465 - 343.534
Stats. Implemented: ORS 343.521
Hist.: EB 23-1992, f. & cert. ef. 6-23-92; EB 4-1995, f. & cert. ef. 1-24-95

Participants for Early Intervention Individualized Family Service Plan Meetings and Periodic Reviews

581-15-981 (1) Each initial and annual individualized family service plan meeting shall including the following participants:

(a) The parent(s) of the child;

(b) Other family members, if requested by the parent;

(c) An advocate or person outside the family, if requested by the parent;

(d) The service coordinator who has been working with the family since the initial referral of the child for evaluation, or who has been designated by the public subcontracting agency to be responsible for implementation of the individualized family service plan;

(e) The early intervention specialist or related service personnel serving the child;

(f) Other individuals at the discretion of the parent, primary contractor, or public subcontracting agency; and

(g) A member of the evaluation team.

(2) For each initial and annual individualized family service plan meeting, if a member of the evaluation team is unable to attend, arrangements shall be made for the person's involvement through other means, including:

(a) Participating in a telephone conference call;

(b) Having a knowledgeable authorized representative attend the meeting; or

(c) Making pertinent records available at the meeting.

(3) Each periodic review shall include the participants identified in subsections (1)(a) through (d) of this rule. If the primary contractor, subcontractor or parent requests, provisions must be made for the participation of other representatives identified in section (1) of this rule.

Stat. Auth.: ORS 343.465 - 343.534
Stats. Implemented: ORS
Hist.: EB 4-1995, f. & cert. ef. 1-24-95

Implementation of the Individualized Family Service Plan

581-15-990 Implementation of the individualized family service plan shall begin as soon as possible following the meeting.

Stat. Auth.: ORS 343.521
Stats. Implemented: ORS 343.521
Hist.: EB 23-1992, f. & cert. ef. 6-23-92; EB 4-1995, f. & cert. ef. 1-24-95

Placement and Least Restrictive Environment in Early Childhood Special Education

581-15-1000 (1) Upon completion of each individualized family service plan, the multidisciplinary team shall determine placement for the child pursuant to OAR 581-15-073. Early childhood special education services shall be delivered in the least restrictive environment. Placement may be determined at the individualized family service plan meeting if all members of the multidisciplinary team are present. The child's parent shall be invited to participate as a member of the multidisciplinary team when the child's placement is determined.

(2) Each child's placement shall be:

(a) Determined annually;

(b) Based on the individualized family service plan; and

(c) As close as possible to the child's home.

(3) The primary contractor shall ensure that a continuum of alternative placements is available to meet the needs of preschool children with disabilities for special education and related services. The continuum shall include alternative placements in the home, hospitals, institutions, special schools, classrooms, and community child care or preschool settings.

(4) In determining the least restrictive environment, the multidisciplinary team shall consider the continuum of alternative placements and the following:

(a) Modifications needed to implement the child's individualized family service plan;

(b) The level of support needed by the child; and

(c) Any potential harmful effect on the child or on the quality of services which he or she needs.

(5) The team shall ensure that, to the extent appropriate, early childhood special education services are provided in settings in which children without disabilities participate.

Stat. Auth.: ORS 343.475
Stats. Implemented: ORS 343.475
Hist.: EB 23-1992, f. & cert. ef. 6-23-92; EB 4-1995, f. & cert. ef. 1-24-95

Interpretation and Placement in Early Childhood Special Education

581-15-1001 For early childhood special education, the public agency shall interpret evaluation data and make placement decisions pursuant to OAR 581-15-073.

Stat. Auth.: ORS 343.465 - 343.534
Stats. Implemented: ORS
Hist.: EB 4-1995, f. & cert. ef. 1-24-95

Confidentiality of Records for Preschool Children with Disabilities

581-15-1010 (1) Any primary contractor or subcontractor reporting or maintaining data related to a preschool child with disabilities shall keep confidential any record maintained on that child in conformance with **34 CFR Part 99** of the Family Educational Rights and Privacy Act.

(2) Each primary contractor or subcontractor reporting or maintaining data on preschool children

with disabilities shall provide access to any record maintained on that child in conformance with **34 CFR Part 99** of the Family Educational Rights and Privacy Act.

(3) Each primary contractor or subcontractor reporting or maintaining data on preschool children with disabilities shall provide mediation procedures for children receiving early intervention services and due process hearing procedures for children receiving early childhood special education as outlined in OAR 581-15-900 through 581-15-1050.

[**Publications:** The publication(s) referred to or incorporated by reference in this rule are available from the Department of Education.]

Stat. Auth.: ORS 343.465 - 343.534
Stats. Implemented: ORS 343.485
Hist.: EB 23-1992, f. & cert. ef. 6-23-92

[**NOTE:** The following rule is applicable only to the provision of early intervention services. These rules do not apply to the provision of early childhood special education.]

When Mediation May be Requested

581-15-1020 A parent, primary contractor, or subcontractor may request mediation by the Department of Education to resolve a dispute regarding eligibility or appropriateness of services for any child referred for, or determined eligible for, early intervention or early childhood special education.

Stat. Auth.: ORS 343.531(1)
Stats. Implemented: ORS 343.531
Hist.: EB 23-1992, f. & cert. ef. 6-23-92; EB 4-1995, f. & cert. ef. 1-24-95

[**NOTE:** The following rules, OAR 581-15-1030 through 581-15-1090, are applicable only to the provision of early childhood special education. These rules do not apply to the provision of early intervention services.]

When A Hearing May Be Requested

581-15-1030 (1) A parent may request a hearing when he or she does not agree with the:

(a) Identification, evaluation or placement of the child or the provision of appropriate early intervention services if the child's age is from birth through two years of age; and

(b) Identification, evaluation, or placement of the child or the provision of a free appropriate education to the child if the child is three years of age to the age of eligibility for kindergarten.

(2) The Oregon Department of Education may, but is not obligated to, request a hearing when:

(a) A parent refuses to give consent for an initial evaluation of a child for early intervention services or early childhood special education; and

(b) Before a child is initially placed in an early childhood special education program.

(3) For a child who is currently receiving early childhood special education services, the Department shall implement procedures, including obtaining either a court order or requesting a due process hearing, to override a parent's refusal to give consent to the administration of an individual intelligence test or a test of personality, or refusal to cooperate in any activity deemed necessary by the Department to provide the child with a free appropriate public education if informal means, such as parent conferences or mediation, have proved unsuccessful. If the Department reconsiders and determines, based upon a review of the information provided by the parents or after reconsideration of its evaluation data or new information, that the current requested activity is not necessary to provide the child with a free appropriate public education the Department is not obligated to initiate procedures to override the parent's lack of consent or cooperation.

(4) When a parent requests an independent educational evaluation or reimbursement for an independent educational evaluation, pursuant to OAR 581-15-960(3), a school district shall either pay for the independent educational evaluation, or if the school district believes that its evaluation is appropriate, it shall request a due process hearing.

(5) The hearings officer shall require the parties to appear in person or by telephone for a prehearing conference for the purpose of identifying the issues to be resolved, establishing the length of the hearing, and reviewing the parties' hearing rights and procedures. The hearings officer shall notify the parties of the availability of mediation services through the Oregon Department of Education. Participation in mediation shall be voluntary.

(6) The primary contractor shall inform a parent of any free or low-cost legal services available in the area if:

(a) A parent requests the information; or

(b) A parent, the school district, or the Department initiates a hearing under this rule.

(7) The Department shall supply districts and contractors with a list of free or low-cost legal services.

Stat. Auth.: ORS 343.465 - 343.534
Stats. Implemented: ORS 343.531
Hist.: EB 23-1992, f. & cert. ef. 6-23-92; EB 4-1995, f. & cert. ef. 1-24-95; EB 10-1996, f. & cert. ef. 6-26-96

Notice of Hearing and Hearing Rights

581-15-1040 (1) Upon receipt of a written request by a parent or the Department for a hearing, pursuant to OAR 581-15-1030, the State Superintendent of Public Instruction shall appoint a hearings officer, in accordance with OAR 581-15-096, to conduct the hearing. The hearings officer shall provide a notice to the parties of the hearing. The notice shall be served by registered or certified mail.

(2) Content of the notice shall include:

(a) A statement of the time and place of the hearing;

(b) A statement of the authority and jurisdiction under which the hearing is to be held;

(c) A reference to the particular sections of the statutes and rules involved;

(d) A short and plain statement of the matters asserted or charged;

(e) A statement that, during any administrative or judicial proceeding the child shall remain in the present placement unless the primary contractor or service provider and the parent agree otherwise;

(f) A statement that any party to a hearing has the right to:

(A) Be accompanied and advised by counsel and by individuals who have special knowledge or training with respect to preschool-age children with disabilities. The notice shall advise the parent to contact the primary contractor regarding any free or low-cost legal and other relevant services available in the area. The notice shall also advise the parent of a child eligible for early childhood special education that the parent may seek an attorneys fee award if the parent prevails;

(B) Present evidence and confront, cross-examine, and compel the attendance of witnesses;

(C) Prohibit the introduction of any evidence at the proceeding that has not been disclosed to that party at least five days before the proceeding;

(D) Obtain a written or electronic verbatim record of the hearing pursuant to OAR 581-15-1070; and

(E) Obtain a copy of the hearing decision.

(g) A statement that the parent involved in a hearing must be given the right to:

(A) Have the child present who is the subject of the hearing; and

(B) Open the hearing to the public.

(3) The notice shall be:

(a) Written in language understandable to the general public; and

(b) Provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so.

(4) If the native language or other mode of communication of the parent is not a written language, the primary contractor or subcontractor shall take steps to insure that:

(a) The notice is translated orally or by other means to the parent in his or her native language or other mode of communication;

(b) A reasonable effort is made to aid the parent in understanding the content of the notice; and

(c) There is written evidence that the requirements in subsections (4)(a) and (b) of this rule have been met.

Stat. Auth.: ORS 343.531
Stats. Implemented: ORS 343.531
Hist.: EB 23-1992, f. & cert. ef. 6-23-92; EB 4-1995, f. & cert. ef. 1-24-95

Conduct of Hearing

581-15-1050 (1) The hearing shall be conducted by and shall be under the control of the hearings officer appointed under OAR 581-15-096.

(2) At the discretion of the hearings officer, the hearing shall be conducted in the following manner:

(a) Statement and evidence of the primary contractor or subcontractor;

(b) Statement and evidence of the parents;

(c) Rebuttal testimony.

(3) The hearings officer, counsel or other representatives of the parties, and the parents if the parents are not represented, shall have the right to question or cross-examine any witnesses.

(4) The hearing may be continued with recesses as determined by the hearings officer.

(5) The hearings officer may set reasonable time limits for oral presentation and may exclude or limit cumulative, repetitious, or immaterial matter.

(6) Exhibits shall be marked, and the markings shall identify the person offering the exhibits. The exhibits shall be maintained by the Superintendent as part of the record of the proceedings.

Stat. Auth.: ORS 343.465 - 343.534
Stats. Implemented: ORS 343.531
Hist.: EB 23-1992, f. & cert. ef. 6-23-92

Decision of Hearings Officer

581-15-1060 (1) The decision of the hearings officer in a contested case shall be made pursuant to ORS 343.167.

(2) The decision shall be entered not later than 45 days after the request for hearing is filed unless an extension has been granted by the hearings officer at the request of a party.

(3) A copy of the hearing decision shall be sent to the parent, the primary contractor, and service provider accompanied by a statement describing the method of appealing the decision.

(4) The hearings officer shall submit a copy of the hearing decision to the State Advisory Council for Special Education and the State Early Intervention Coordinating Council.

(5) The hearings officer shall write the hearing decision in such a manner so that personally identifiable information shall not be disclosed. Children shall be referred to by initials only and no parent names shall be used.

Stat. Auth.: ORS 343.465 - 343.534
Stats. Implemented: ORS 343.531
Hist.: EB 23-1992, f. & cert. ef. 6-23-92

Right to Record of Hearing

581-15-1070 Upon request, parties have the right to obtain a written or electronic verbatim recording of the hearing. A primary contractor has the option to choose whether the recording will be in either written or electronic form. If a parent or a parent's representative requests a recording, it shall be provided by the primary contractor at no cost.

Stat. Auth.: ORS 343.465 - 343.534
Stats. Implemented: ORS 343.531
Hist.: EB 23-1992, f. & cert. ef. 6-23-92

Informal Disposition

581-15-1080 Nothing contained herein shall be construed to preclude any system of consultations or conferences with parents that is used by primary contractors or subcontractors with regard to the evaluation or the provision of early intervention or early childhood special education services to preschool children with disabilities, ages three to eligibility. Such conferences or consultations, however, shall not be held in lieu of a hearing under OAR 581-15-1030 if one is requested. A request for a hearing shall not preclude an informal disposition of the matter by stipulation, agreed settlement, or consent order.

Stat. Auth.: ORS 343.531
Stats. Implemented: ORS 343.531
Hist.: EB 23-1992, f. & cert. ef. 6-23-92; EB 4-1995, f. & cert. ef. 1-24-95

Health and Safety

581-15-1090 Early intervention and early childhood special education services may be provided to eligible children in a variety of settings including, but not limited to, home, hospitals, institutions, special schools, classrooms, and community child care, or preschool settings. If services are provided in any setting other than the family home, the primary contractor shall assure that each subcontractor meets all applicable state and local requirements including:

(1) The applicable state health and safety regulations;

(2) Assurances that the subcontractor has policies or procedures in place regarding staff hiring, that include careful checking of personal and professional references for all potential employees, with regularly scheduled evaluations to evaluate the employee's competence to work with young children;

(3) The provision of adequate space to assure the full participation of all children, regardless of ability or mobility; and

(4) The applicable personnel standards outlined in OAR 581-15-1100.

Stat. Auth.: ORS 343.465 - 343.534
Stats. Implemented: ORS 343.475
Hist.: EB 23-1992, f. & cert. ef. 6-23-92

Personnel Standards

581-15-1100 (1) Personnel employed to provide early intervention or early childhood special education services shall include:

(a) Supervisors;

(b) Early intervention and early childhood special education specialists;

(c) Related services personnel; and

(d) Early intervention and early childhood special education assistants.

(2) Supervisors shall possess a minimum of a masters degree in early childhood, special education or a related field, and have three years experience with infants, toddlers, young children, and families. Supervisors shall meet competencies required by the Department by July 1, 1997 or within 12 months of employment thereafter.

(3) Early intervention and early childhood special education specialists shall possess a minimum of a baccalaureate degree in early childhood, special education or a related field. Specialists shall meet competencies required by the Department by July 1, 1997 or within 12 months of employment thereafter.

(4) Related services personnel shall possess a minimum of a baccalaureate degree and a valid license necessary to practice in Oregon. Related services personnel shall meet competencies required by the Department by July 1, 1997 or within 12 months of employment thereafter.

(5) Early intervention and early childhood special education assistants shall be at least 18 years old, have a high school diploma or equivalent, experience working with young children, and meet competencies required by the Department by July 1, 1997 or within 12 months of employment thereafter.

(6) The Department will require the documentation or demonstration of identified competencies. Areas of competency will be developed through the Department by July 1, 1994.

(7) If personnel do not have documentation that they have completed course work in the identified competencies or cannot demonstrate the identified competencies, a waiver shall be requested by the subcontracting agency to the primary contractor. The request shall include:

(a) Documentation of efforts to employ personnel who meet the required competencies;

(b) The name, position, and qualifications of the employed personnel;

(c) A copy of the professional development plan; and

(d) Assurances that the plan will be implemented.

(8) Primary contractors shall provide requests for waivers and the names of personnel meeting competencies to the Department.

(9) The Department will issue a certificate of renewal to personnel meeting required competencies.

Stat. Auth.: ORS 343.465 - 343.534
Stats. Implemented: ORS 343.041
Hist.: EB 23-1992, f. & cert. ef. 6-23-92

Compliance Monitoring

581-15-1110 Contractors and subcontractors involved in the education of preschool children with disabilities shall be monitored by the Department of Education on a regular basis as specified in Oregon's federally-approved special education state plan and Part H application to insure compliance with the requirements of the individuals with Disabilities Education Act, Oregon Revised Statutes, and Oregon Administrative Rules in effect as of December 1, 1994. Monitoring procedures may include collecting data and reports, conducting on-site visits, auditing federal fund use, and comparing individualized family service plans with the programs actually provided.

Stat. Auth.: ORS 343.475
Stats. Implemented: ORS
Hist.: EB 4-1995, f. & cert. ef. 1-24-95

Service Coordination

581-15-1120 (1) Service coordination shall be provided as an early intervention service or may be provided as other services for children and families in early childhood special education as defined under ORS 343.035 and shall:

(a) Coordinate all services across agency lines by serving as a single point of contact in helping parents obtain the services and assistance they need;

(b) Assist parents of eligible children in gaining access to early intervention services and other services identified in the individualized family service plan;

(c) Facilitate the timely delivery of available services;

(d) Continuously seek the appropriate services in situations necessary to benefit the development of each child being served for the duration of the child's eligibility; and

(e) For children age birth through two, appoint a service coordinator as soon as possible when a referral is received.

(2) The service coordinator shall:

(a) Coordinate the performance of evaluation and assessments;

(b) Facilitate and participate in the development, review, and evaluation of individualized family service plans;

(c) Assist families in identifying available service providers;

(d) Coordinate and monitor the delivery of available services;

(e) Inform families of the availability of advocacy services;

(f) Coordinate with medical and health providers; and

(g) Facilitate the development of a transition plan to preschool services, if appropriate.

Stat. Auth.: ORS 343.095
Stats. Implemented: ORS
Hist.: EB 4-1995, f. & cert. ef. 1-24-95

DIVISION 16

OREGON SCHOOL FOR THE BLIND AND OREGON SCHOOL FOR THE DEAF

[**ED. NOTE**: The following Administrative Orders relating to the School for the Blind and Deaf were previously filed by the Department of Education: 1EB 51, filed 6-21-60; 1EB 79, f. 6-21-62]

Definitions

581-16-520 The following definitions apply to OAR 581-16-520 through 581-16-560, unless the context indicates otherwise:

(1) Board: The State Board of Education;

(2) OSB: The Oregon School for the Blind;

(3) OSD: The Oregon School for the Deaf;

(4) Superintendent: The State Superintendent of Public Instruction.

(5) EIP: An individualized education program as defined in OAR 581-15-005(8).

Stat. Auth.: ORS Ch. 346
Stats. Implemented: ORS
Hist.: 1EB 264, f. & ef. 7-5-77; EB 36-1990, f. & cert. ef. 7-10-90; EB 2-1994, f. & cert. ef. 4-29-94

Student Practices and Procedures

General Placement Policy

581-16-525 [1EB 264, f. & ef. 7-5-77;
1EB 19-1979,f. & ef. 11-15-79;
1EB 17-1982, f. & ef. 8-13-82;
Repealed by 1EB 24-1986,
f. & ef. 7-11-86]

General Placement Policy

General Placement

581-16-526 (1) It is the policy of the State Board of Education (Policy 8100) that any student with a vision or hearing impairment shall be served whenever possible in the student's home community if appropriate. It is the intent that all local agencies having interest in the student collaborate to offer services locally. A referral shall be made to OSB or OSD only when local programs are unable to provide a free appropriate public education consistent with the needs of the student as identified in the student's IEP.

(2) A student may be referred to OSB and OSD if the student:

(a) Has been determined to be eligible for special education services by the resident district under OAR 581-15-051;

(b) Is visually or auditorily impaired to the extent that services needed to implement the IEP as described in OAR 581-16-536(8)(f)(A) through (D) are not available in the local district with regional program support;

(c) Is a legal resident of the State of Oregon;

(d) Regarding consent:

(A) Has the consent of a parent(s), guardian or surrogate if the student is under age 18; or

(B) Has given his or her consent, if over age 18; or

(C) Has the consent of a court-appointed guardian if one is appointed and the student is over age 18; and

(e) Has not completed the school year in which the student turns age 21.

(3) OSB and OSD may act as evaluation and diagnostic centers for a student with visual or hearing impairments when requested to do so by the student's resident school district or the student's parents, or when additional assessment information is needed prior to a placement decision.

Stat. Auth.: ORS Ch. 346
Stats. Implemented: ORS 346.015
Hist.: 1EB 24-1986, f. & ef. 7-11-86; EB 36-1990, f. & cert. ef. 7-10-90; EB 2-1994, f. & cert. ef. 4-29-94

Enrollment Committee

581-16-530 [1EB 264, f. & ef. 7-5-77;
Repealed by 1EB 19-1979,
f. & ef. 11-15-79]

Criteria for Referral

581-16-531 [1EB 24-1986, f. & ef. 7-11-86;
Repealed by EB 34-1990,
f. & cert. ef. 7-10-90]

General Enrollment Policy

581-16-535 [1EB 264, f. & ef. 7-5-77;
Repealed by 1EB 19-1979,
f. & ef. 11-15-79]

Procedures for Referral and Placement

581-16-536 (1) The resident school district or the regional program shall contact the director of OSB or OSD to request a multidisciplinary team meeting to determine placement.

(2) The director or designee of OSB or OSD shall send the placement procedure packet to the district contact person and set a mutually agreed upon date, place and time for a meeting to determine placement.

(3) The district contact person shall obtain parent consent to send the following records to OSB or OSD and shall send the records for review to the director of OSB or OSD at least three working days prior to the multidisciplinary team meeting:

(a) The current vision report (OSB) or current audiological report (OSD);

(b) The current and previous medical, behavior, psychological, health immunization, and educational records, including previous IEPs, multidisciplinary team decisions and eligibility statements;

(c) The current statement of eligibility;

(d) The current IEP; and

(e) The signed parent consent for release of information.

(4) If the student is eligible for special education as mentally retarded or developmentally disabled, the resident school district shall contact the local mental health program case manager, who, in consultation with a Children's Services Division caseworker, shall review the IEP to determine if the student has need for residential care as part of the education program:

(a) If the student needs residential care or other support services as part of the education program, but community resources are not available as documented by the local community mental health program case manager, the resident school district shall proceed with the placement process;

(b) In cases where the student does not need residential care as a part of the education program, but needs other educational services provided by

OSB or OSD, the resident school district shall proceed with the placement process.

(5) The resident school district is responsible for conducting the multidisciplinary team meeting to determine the student's placement.

(6) Participants in the placement meeting shall include persons knowledgeable about the student, the meaning of the evaluation data and placement options. The multidisiplinary team shall consist of:

(a) The student's parent(s), guardian, or surrogate if the student is under age 18 or has a court-appointed guardian, or alternatively the student, if the student is over age 18 and does not have a court-appointed guardian;

(b) The student, when appropriate;

(c) The resident school district representative;

(d) The regional program representative who is knowledgeable about the student's disability;

(e) The director or designee from OSB or OSD who has knowledge about services that can be provided by the special schools and has the authority to commit resources for services;

(f) The local mental health case manager for students eligible for mental retardation or developmentally disabled services;

(g) Other representatives from the student's local placement; and

(h) Other persons with pertinent information about the student.

(7) The multidisciplinary placement team shall designate a member to complete the placement form.

(8) When determining placement, the multidisciplinary team shall:

(a) Base its decision on the student's current IEP;

(b) Consider documented information from a variety of sources;

(c) Address the variety of educational programs and services available to students without disabilities;

(d) Review opportunities to participate in nonacademic and extracurricular services and activities with students without disabilities;

(e) Consider any potential harmful effects on the student or on the quality of services provided to the student;

(f) Consider the following factors:

(A) The services needed to implement the IEP which may include, but are not limited to, areas such as academics; self-help, social, interpersonal, independent living, orientation and mobility skills; vocational training; and language development;

(B) A learning environment in which there is ample opportunity for the student to have meaningful communication with other students and teachers and exposure to cultural factors related to the student's disability;

(C) The student's need for direct instruction in an alternative communication system; and

(D) The extent of curriculum and instructional adaptations needed.

(g) Determine whether the student needs additional services and specialized educational resources available at OSB or OSD that are not available at the local placement options;

(h) Consider the impact on the student regarding the length of daily transportation for each placement option considered;

(i) Compare the instructional time available at local placement options to implement the student's IEP with the instructional time available at OSB or OSD; and

(j) Document the placement options considered and the rationale for rejection or acceptance.

(9) Within 14 calendar days of the multidisciplinary team meeting, the resident school district shall submit the following documents to the Assistant Superintendent for Special Schools for the Oregon Department of Education:

(a) The eligibility statement;

(b) The placement meeting notes;

(c) The parental consent for release of information;

(d) A letter of placement recommendation from the regional program and the resident school district; and

(e) A written statement from the local community mental health program case manager regarding the availability of local residential services, when appropriate.

(10) The Assistant Superintendent for Special Schools for the Oregon Department of Education shall send written notification of the multidisciplinary team's placement decision to the parent(s), guardian or surrogate, the resident school district, the regional program, and OSB or OSD. Placement shall begin after written notification is received by the parent(s) and the resident school district.

(11) Prior to the student's enrollment at OSB or OSD, the school shall review the student's file to insure that the documents identified in section (3) of this rule have been received.

Stat. Auth.: ORS Ch. 346
Stats. Implemented: ORS 346.015
Hist.: 1EB 24-1986, f. & ef. 7-11-86; EB 36-1990, f. & cert. ef. 7-10-90; EB 2-1994, f. & cert. ef. 4-29-94

General Obligations

581-16-537 OSB and OSD are subject to the rules contained in Division 15 of this chapter including, but not limited to, the requirements for identifying and determining eligibility of students with handicapping conditions, development of IEPs, placement of students and the provision of a free, appropriate education.

Stat. Auth.: ORS Ch. 346
Stats. Implemented: ORS 346.010
Hist.: EB 37-1990, f. & cert. ef. 7-10-90

Resident School District Responsibility

581-16-538 (1) When a student is placed at OSB/OSD the student's resident school district remains responsible for assuring that the student receives a free appropriate education in accordance with ORS 343.221, OAR 581-15-005(20) and 581-15-061.

(2) A representative of the child's resident school district shall attent the student's IEP meetings while the student is placed at OSB or OSD.

(3) In those cases where OSB or OSD cannot within the resources allocated provide all of the services requested the child's IEP, the resident district may elect to provide these services if in so doing OSB or OSD would become an appropriate placement.

(4) At the time of placement, OSB, OSD and the resident district shall determine by written agreement those services for which the resident district shall remain responsible.

Stat. Auth.: ORS Ch. 346
Stats. Implemented: ORS 346.015
Hist.: EB 35-1990, f. & cert. ef. 7-10-90

Placement Criteria

581-16-540 [1EB 264, f. & ef. 7-5-77;
1EB 19-1979, f. & ef. 11-15-79;
Repealed by 1EB 17-1982,
f. & ef. 8-13-82]

Termination of Placement and Revocation of Consent

581-16-541 (1) The student's placement at OSB or OSD shall be determined annually by the student's multidisciplinary team and shall be terminated when:

(a) The student has completed the school year in which the student turns age 21;

(b) The student graduates from the program;

(c) A multidisciplinary team, which includes those individuals set forth in OAR 581-16-536(6), determines that:

(A) An appropriate program can be provided at the local or regional level;

(B) OSB or OSD is no longer the appropriate placement for the student; or

(d) It is required as the result of a due process hearings officer or court's decision.

(2) If a parent, guardian or surrogate, student over the age of 18 without a court-appointed guardian, or educational staff question the appropriateness of the student's placement at OSB or OSD, the resident school district shall convene a multidiciplinary team with all of the individuals set forth in OAR 581-16-536(6). The multidisciplinary team shall determine the appropriate placement for the student. This meeting shall occur prior to any change in placement for the student.

Stat. Auth.: ORS Ch. 346
Stats. Implemented: ORS 346.015
Hist.: 1EB 24-1986, f. & ef. 7-11-86; EB 30-1988, f. & cert. ef. 7-5-88; EB 36-1990, f. & cert. ef. 7-10-90; EB 2-1994, f. & cert. ef. 4-29-94

Placement Procedures

581-16-545 [1EB 264, f. & ef. 7-5-77;
1EB 19-1979, f. & ef. 11-15-79;
1EB 17-1982, f. & ef. 8-13-82;
Repealed by 1EB 24-1986,
f. & ef. 7-11-86]

Evaluation and Diagnostic Services — OSSB

581-16-550 [1EB 264, f. & ef. 7-5-77;
Repealed by 1EB 19-1979,
f. & ef. 11-15-79]

Continued Enrollment — OSSB and OSSD

581-16-555 [1EB 264, f. & ef. 7-5-77;
Repealed by 1EB 19-1979,
f. & ef. 11-15-79]

Placement Appeal Procedures — OSB and OSD

581-16-560 A parent, guardian or surrogate may challenge the child's placement, denial of placement, or transfer in the manner provided in ORS 343.165 to 343.177.

Stat. Auth.: ORS Ch. 346
Stats. Implemented: ORS 346.015
Hist.: 1EB 264, f. & ef. 7-5-77; 1EB 19-1979, f. & ef. 11-15-79; 1EB 17-1982, f. & ef. 8-13-82; EB 36-1990, f. & cert. ef. 7-10-90

Transportation OSSB and OSSD

581-16-565 [1EB 264, f. & ef. 7-5-77;
1EB 19-1979, f. & ef. 11-15-79;
Repealed by 1EB 17-1982,
f. & ef. 8-13-82]

Controversial Issues

581-16-570 [1EB 264, f. & ef. 7-5-77;
Repealed by 1EB 17-1982,
f. & ef. 8-13-82]

Minimum Length of School Day

581-16-575 [1EB 264, f. & ef. 7-5-77;
Repealed by 1EB 17-1982,
f. & ef. 8-13-82]

School Calendar

581-16-580 [1EB 264, f. & ef. 7-5-77;
Repealed by 1EB 17-1982,
f. & ef. 8-13-82]

Religious Instruction

581-16-585 [1EB 264, f. & ef. 7-5-77;
Repealed by 1EB 17-1982,
f. & ef. 8-13-82]

Released Time

581-16-590 [1EB 264, f. & ef. 7-5-77;
Repealed by 1EB 17-1982,
f. & ef. 8-13-82]

Student Objections to Instructional Materials

581-16-595 [1EB 264, f. & ef. 7-5-77;
Repealed by 1EB 17-1982,
f. & ef. 8-13-82]

Student Rights and Responsibilities

581-16-600 [1EB 264, f. & ef. 7-5-77;
Repealed by 1EB 17-1982,
f. & ef. 8-13-82]

Use of Student Records

581-16-605 [1EB 264, f. & ef. 7-5-77;
Repealed by 1EB 17-1982,
f. & ef. 8-13-82]

Release of Student Records

581-16-610 [1EB 264, f. & ef. 7-5-77;
Repealed by 1EB 17-1982,
f. & ef. 8-13-82]

Hearing to Challenge Student Record Content

581-16-615 [1EB 264, f. & ef. 7-5-77;
Repealed by 1EB 17-1982,
f. & ef. 8-13-82]

Gathering and Recording Student Record Information

581-16-620 [1EB 264, f. & ef. 7-5-77;
Repealed by 1EB 17-1982,
f. & ef. 8-13-82]

Privileged Information

581-16-625 [1EB 264, f. & ef. 7-5-77;
Repealed by 1EB 17-1982,
f. & ef. 8-13-82]

Waivers of Rights

581-16-630 [1EB 264, f. & ef. 7-5-77;
Repealed by 1EB 17-1982,
f. & ef. 8-13-82]

Withdrawal of Students: Student Record Transfer

581-16-635 [1EB 264, f. & ef. 7-5-77;
Repealed by 1EB 17-1982,
f. & ef. 8-13-82]

Diplomas and Certificates

581-16-640 [1EB 264, f. & ef. 7-5-77;
Repealed by 1EB 17-1982,
f. & ef. 8-13-82]

Criteria for Selecting Instructional Materials

581-16-645 [1EB 264, f. & ef. 7-5-77;
Repealed by 1EB 17-1982,
f. & ef. 8-13-82]

Request for Review of Controversial Materials

581-16-650 [1EB 264, f. & ef. 7-5-77;
Repealed by 1EB 17-1982,
f. & ef. 8-13-82]

Program Standards for the Oregon School for the Deaf

Goals for Education

58-16-700 To the extent appropriate, each student at the Oregon School for the Deaf shall have the opportunity to function as effectively as possible in six life roles as set forth in OAR 581-22-201.

Stat. Auth.: ORS Ch. 343 & 346
Stats. Implemented: ORS 346.010
Hist.: EB 31-1989, f. & cert. ef. 11-2-89

High School Requirements for Graduation

581-16-710 In order for a student to graduate from the Oregon School for the Deaf (OSD), he/she must attain a certain number of units, master essential learning skills, meet competencies, and maintain/attain attendance minimums. Three different diplomas/certificates are available, depending on the goals and abilities of each student. A modified diploma or certificate of Individual Educational Program (IEP) completion may be awarded according to OAR 581-22-415.

(1) To receive a diploma the student must:

(a) Complete 22 units as specified OAR 581-22-316;

(b) Meet all OSD-required competencies in language, reading, and mathematics; and

(c) Maintain required attendance.

(2) To receive a modified diploma the student must:

(a) Complete 22 units of modified course work as agreed upon in the IEP;

(b) Have satisfactory progress in school; and

(c) Maintain required attendance.

(3) To receive a certificate of IEP completion the student must complete the IEP goals. The certificate may be issued even if the student has not completed 22 units and has not maintained the required days of attendance.

Stat. Auth.: ORS Ch. 343 & 346
Stats. Implemented: ORS 346.010
Hist.: EB 31-1989, f. & cert. ef. 11-2-89

Essential Learning Skills

581-16-720 The Oregon School for the Deaf shall offer a planned program of instruction which ensures the opportunity for students to obtain the essential learning skills identified in the common curriculum goals as set forth by the State Board of Education and in accordance with each learner's intellectual and physical abilities. The school shall:

(1) Establish an individualized instruction/activity program for each child;

(2) Provide for the inclusion of all appropriate learning goals;

(3) Increase the application of all appropriate essential learning skills as students acquire mastery; and

(4) Provide appropriate curricula, instruction, and activities in order for students to make necessary progress toward attainment of the essential learning skills.

Stat. Auth.: ORS Ch. 343 & 346
Stats. Implemented: ORS 346.010
Hist.: EB 31-1989, f. & cert. ef. 11-2-89

Career and Vocational Education

581-16-730 The Oregon School for the Deaf shall provide a continuum of career and technical instructional program to include career awareness, career exploration, career guidance, job sampling, and work experience.

Stat. Auth.: ORS Ch. 343 & 346
Stats. Implemented: ORS 346.010
Hist.: EB 31-1989, f. & cert. ef. 11-2-89

Special Provisions

581-16-740 The Oregon School for the Deaf shall provide instruction which is uniquely designed for the hearing impaired and for accompanying handicaps such as vision impairment, autism, mental retardation, orthopedic impairment, learning disability, emotional disturbance, and other health impairments; and for special abilities (i.e., talented and gifted).

Stat. Auth.: ORS Ch. 343 & 346
Stats. Implemented: ORS 346.010
Hist.: EB 31-1989, f. & cert. ef. 11-2-89

Curriculum

581-16-750 (1) The Oregon School for the Deaf (OSD) instructional program shall instruct all students in grades K/1-8 in the areas of art, health education, language arts (including reading and writing), mathematics, physical education, science, and social studies (including geography and history). The program shall:

(a) Provide students with the knowledge and skills necessary for successful progress in high schools;

(b) Provide opportunities for high school students to meet requirements for graduation; and

(c) Offer electives at the high school level in vocational education, art, and a foreign language.

(2) In addition to the academic program, OSC shall provide instruction in theses areas:

(a) Compensatory skills such as:

(A) Typing/Keyboarding,

(B) Signing and fingerspelling;

(C) Leadership;

(D) Handwriting; and

(E) Use of auditory, visual, and physical aids.

(b) Self-help and skills of daily living;

(c) Arts, crafts, and hobbies;

(d) Orientation and mobility (for deaf/blind);

(e) Adaptive physical education;

(f) Career, prevocational, and technical skills;

(g) Language/Communication development;

(h) Related services:

(A) Speech pathology and audiology;

(B) Psychological services;

(C) Physical therapy;

(D) Occupational therapy; and

(E) Medical diagnostic services and health care.

Stat. Auth.: ORS Ch. 343 & 346
Stats. Implemented: ORS 346.010
Hist.: EB 31-1989, f. & cert. ef. 11-2-89

Required Days of Instruction

581-16-760 The Oregon School for the Deaf shall provide a program of instructional hours or days equivalent to the requirements for public schools as set forth in OAR Chapter 22.

Stat. Auth.: ORS Ch. 343 & 346
Stats. Implemented: ORS 346.010
Hist.: EB 31-1989, f. & cert. ef. 11-2-89

Equal Educational Opportunities

581-16-770 The Oregon School for the Deaf shall assure equality of opportunity for all students as provided in OAR 581-21-045 and 581-21-046, and ORS 359.150.

Stat. Auth.: ORS Ch. 343 & 346
Stats. Implemented: ORS 346.010
Hist.: EB 31-1989, f. & cert. ef. 11-2-89

Personnel

581-16-780 (1) Teachers, specialists, and administrators must hold valid Oregon certificates and be assigned in accordance with the individual certificate, school policies, program goals, and applicable statutes and administrative rules.

(2) Related service providers shall meet state licensure requirements in their fields of specialty.

(3) The Oregon School for the Deaf shall hire staff in compliance with state personnel rules and Department policy.

(4) All staff will be required to meet sign language requirements established in the communication policy.

Stat. Auth.: ORS Ch. 343 & 346
Stats. Implemented: ORS 346.010
Hist.: EB 31-1989, f. & cert. ef. 11-2-89

Daily Class Size

581-16-790 (1) The Oregon School for the Deaf shall maintain class sizes and teacher assignments which promote effective learning consistent with the outcomes expected of each Individualized Educational Program (IEP).

(2) In determining class size, the following shall be considered:

(a) The teacher-student ratio of each class;

(b) The total number of students assigned per teacher;

(c) The severity of students' needs;

(d) The support staff available to each teacher;

(e) The nature of the instructional program in relation to the teacher's professional preparation; and

(f) The appropriateness of instructional facilities and equipment.

Stat. Auth.: ORS Ch. 343 & 346
Stats. Implemented: ORS 346.010
Hist.: EB 31-1989, f. & cert. ef. 11-2-89

Educational Materials

581-16-800 The Oregon School for the Deaf shall provide textbooks and other instructional materials and equipment which contribute to the attainment of general and Individualized Educational Program (IEP) goals and which are appropriate to each child's capabilities.

Stat. Auth.: ORS Ch. 343 & 346
Stats. Implemented: ORS 346.010
Hist.: EB 31-1989, f. & cert. ef. 11-2-89

Individual Student

581-16-810 To ensure each student's educational progress, the Oregon School for the Deaf shall:

(1) Record and maintain records of assessment results, classroom, work, behavior, and other evaluative information for identifying each student's progress and needs related to:

(a) Attainment of general learner goals;

(b) Attainment of Individualized Educational Program (IEP) goals; and

(c) General educational progress in personal, social, and vocational areas.

(2) Adapt instruction and curriculum when the needs, interests, and learning styles of each student indicate an adaptation is needed; and

(3) Report educational progress to parents and students at least annually on:

(a) Attainment of general learner goals;

(b) Attainment of IEP goals; and

(c) General progress in personal, social, vocational, and living skills development, when appropriate.

Stat. Auth.: ORS Ch. 343 & 346
Stats. Implemented: ORS 346.010
Hist.: EB 31-1989, f. & cert. ef. 11-2-89

Instructional Program

581-16-820 To ensure continual improvement of instructional programs, the Oregon School for the Deaf shall review assessment data and other evaluative information to identify levels of performance, to recognize deficiencies and to plan needed improvement. The school shall:

(1) Identify program needs by:

(a) Periodically reviewing assessment results and other evaluative information; and

(b) Conducting program evaluation periodically in all curriculum areas stated in OAR 581-16-603.

(2) Implement program improvements as identified;

(3) Provide appropriate staff-related development activities;

(4) Report results of information stated above to the Department of Education; and

(5) Provide a media program to enhance each student's instructional program that:

(a) Is coordinated to support the general goals of the school and Individualized Educational Programs;

(b) Has appropriate facilities, materials, and equipment which support program goals; and

(c) Is developed, implemented, coordinated, and maintained by personnel provided for that purpose.

Stat. Auth.: ORS Ch. 343 & 346
Stats. Implemented: ORS 346.010
Hist.: EB 31-1989, f. & cert. ef. 11-2-89

Related and Support Services

581-16-830 The Oregon School for the Deaf shall provide those related services which may be specified in a student's Individualized Educational Program (IEP) in order for him/her to have access to educational program; i.e., such services as:

(1) Speech pathology and audiology;
(2) Psychological services;
(3) Physical therapy;
(4) Occupational therapy;
(5) Medical diagnostic services and specific health care; and
(6) Counseling and guidance.

Stat. Auth.: ORS Ch. 343 & 346
Stats. Implemented: ORS 346.010
Hist.: EB 31-1989, f. & cert. ef. 11-2-89

Emergency Plans and Safety Programs

581-16-840 The Oregon School for the Deaf shall maintain a comprehensive safety program for all employees and students as set forth in OAR 581-22-706 and 581-22-707.

Stat. Auth.: ORS Ch. 343 & 346
Stats. Implemented: ORS 346.010
Hist.: EB 31-1989, f. & cert. ef. 11-2-89

Operating Policies and Procedures

581-16-850 The Oregon School for the Deaf shall:

(1) Keep copies of operating policies, procedures, and rules adopted pursuant to ORS 332.107, and shall make such information available upon request:

(2) Use a process of management planning in the areas of staffing, instruction, and facility maintenance and construction;

(3) Maintain and make available upon request evidence of compliance with these standards; and

(4) Review and evaluate current policies and practices periodically in order to gain/maintain school accreditation.

Stat. Auth.: ORS Ch. 343 & 346
Stats. Implemented: ORS 346.010
Hist.: EB 31-1989, f. & cert. ef. 11-2-89

Records and Reports

581-16-860 A student record policy will be maintained by the Oregon School for the Dead consistent with that set forth in OAR 581-22-717.

Stat. Auth.: ORS Ch. 343 & 346
Stats. Implemented: ORS 346.010
Hist.: EB 31-1989, f. & cert. ef. 11-2-89

Support Services

581-16-870 (1) Pupil transportation services: The Oregon School for the Deaf shall cooperate with local school districts in accordance with local school district responsibilities under ORS 343.283. Transportation shall be provided in accordance with ORS 346.042 and 346.045.

(2) Food Services: The Oregon School for the Deaf shall provide meals which are nutritious and take into account particular preparation and content which are consistent with the needs of students enrolled.

(3) Maintenance and custodial services: The Oregon School for the Deaf shall maintain buildings and grounds to provide conditions conductive to the health and safety of students, employees, and the general public.

(4) Facilities: The Oregon School for the deaf shall provide physical facilities which are appropriate to the instructional/activity program and which provide barrier-free access to all students and employees.

(5) Equipment and materials: The Oregon School for the Deaf shall provide furniture, equipment, and materials which support the general and child-specific goals of the school.

(6) Residential services: The Oregon School for the Deaf shall:

(a) Provide care, training, and assessments in the areas of living skills, play and recreational skills, social skills, and behavior management for all residential students, in a safe, clean living and learning environment;

(b) Instruct students in the planned Individualized Educational Program (IEP) assigned by the multidisciplinary team;

(c) Provide all students with social and recreational opportunities to meet the lease restrictive environment guidelines as stated in PL 94-142;

(d) Maintain a consistent 24-hour (school week) program for all residential students, that supports and is coordinated with the in-class educational program;

(e) Provide parents with written student development progress reports periodically.

(7) Parent liaison services: The Oregon School for the Deaf shall provide for the liaison between the school and parents and other related agencies to assure:

(a) Appropriate communication;
(b) Advocacy for the students; and
(c) Involvement of the family in the educational process.

Stat. Auth.: ORS Ch. 343 & 346
Stats. Implemented: ORS 346.010
Hist.: EB 31-1989, f. & cert. ef. 11-2-89

Statewide Educational Resource

581-16-880 The Oregon School for the Deaf may extend its services to other hearing impaired children and the general public by:

(1) Conducting student assessments at the request of the local school district or regional program;

(2) Providing summer enrichment experiences;

(3) Providing consultative services to families and local school district and regional personnel and

(4) Providing information to the general public

regarding the education of the hearing impaired.

Stat. Auth.: ORS Ch. 343 & 346
Stats. Implemented: ORS 346.010
Hist.: EB 31-1989, f. & cert. ef. 11-2-89

Program Standards for the Oregon School for the Blind

Goals for Education

581-16-890 To the extent appropriate, each student at the Oregon School for the Blind shall have the opportunity to function as effectively as possible in six life roles as set forth in OAR 581-22-201.

Stat. Auth.: ORS Ch. 343 & 346
Stats. Implemented: ORS 346.010
Hist.: EB 32-1989, f. & cert. ef. 11-2-89

Certificate Requirements

581-16-900 (1) The Oregon School for the Blind shall award a certificate of successful completion of program requirements as determined by the Individual Education Plan (IEP).

(2) The Oregon School for the Blind shall award a certificate of attendance for those students attending the school for a portion of their public education as determined by the IEP.

Stat. Auth.: ORS Ch. 343 & 346
Stats. Implemented: ORS 346.010
Hist.: EB 32-1989, f. & cert. ef. 11-2-89

Special Provisions

581-16-910 The Oregon School for the Blind shall provide instruction which is uniquely designed for the visually impaired and for accompanying handicaps such as hearing impairment, autism, mental retardation, orthopedic impairment, learning disability, emotional disturbance, and other health impairments.

Stat. Auth.: ORS Ch. 343 & 346
Stats. Implemented: ORS 346.010
Hist.: EB 32-1989, f. & cert. ef. 11-2-89

Curriculum

581-16-920 In developing an instruction program for handicapped students, the Oregon School for the Blind shall include:

(1) Academics:
(a) Language Communication Development;
(b) Math;
(c) Social Studies;
(d) Science, and
(e) Study Skills.
(2) Compensatory skills such as:
(a) Typing;
(b) Braille reading and writing;
(c) Large print reading;
(d) Handwriting;
(e) Use of visual, auditory and physical aids;
(f) Social skills, and
(g) Computer.
(3) Self-help and skills of daily living.
(4) Adaptive arts, crafts, and music.
(5) Orientation and mobility.
(6) Adaptive physical education.
(7) Career, prevocational, and technical skills.
(8) Augmentative communication.

Stat. Auth.: ORS Ch. 343 & 346
Stats. Implemented: ORS 346.010
Hist.: EB 32-1989, f. & cert. ef. 11-2-89

Required Instruction

581-16-930 The Oregon School for the Blind shall provide of instructional hours equivalent to the requirements for public schools as set forth in OAR Chapter 22.

Stat. Auth.: ORS Ch. 343 & 346
Stats. Implemented: ORS 346.010
Hist.: EB 32-1989, f. & cert. ef. 11-2-89

Equal Educational Opportunities

581-16-940 The Oregon School for the Blind shall assure equality of opportunity for all students as provided in OAR 581-21-045 and 581-21-046, and ORS 359.150.

Stat. Auth.: ORS Ch. 343 & 346
Stats. Implemented: ORS 346.010
Hist.: EB 32-1989, f. & cert. ef. 11-2-89

Personnel

581-16-950 All professional personnel must meet the requirements for employment as outlined in State Board of Education Policy 8500.

Stat. Auth.: ORS Ch. 343 & 346
Stats. Implemented: ORS 346.010
Hist.: EB 32-1989, f. & cert. ef. 11-2-89

Career and Vocational Instruction

581-16-960 The Oregon School for the Blind shall provide the opportunity for students to experience a continuum of career and vocational instructional programs including career awareness, career exploration, job sampling, and work experience.

Stat. Auth.: ORS Ch. 343 & 346
Stats. Implemented: ORS 346.010
Hist.: EB 32-1989, f. & cert. ef. 11-2-89

Daily Class Size

581-16-970 (1) The Oregon School for the Blind shall maintain class sizes and teacher assignments which promote effective learning consistent with the outcomes expected of each individualized educational program.

(2) In determining class size, the following shall be considered:

(a) The teacher-student ratio of each class;

(b) The total number of students assigned per teacher;

(c) The severity of students' needs;

(d) The support staff available to each teacher;

(e) The nature of the instructional program in relation to the teacher's professional preparation; and

(f) The appropriateness of instructional facilities and equipment.

Stat. Auth.: ORS Ch. 343 & 346
Stats. Implemented: ORS 346.010
Hist.: EB 32-1989, f. & cert. ef. 11-2-89

Educational Materials

581-16-980 The Oregon School for the Blind shall provide textbooks and other instructional materials and equipment which contribute to the attainment of general and Individual Education Plan (IEP) goals and which are appropriate to each child's capabilities as set forth in State Board of Education Policy 8300.

Stat. Auth.: ORS Ch. 343 & 346
Stats. Implemented: ORS 346.010
Hist.: EB 32-1989, f. & cert. ef. 11-2-89

Individual Student

581-16-990 To ensure each student's educational progress, the Oregon School for the Blind shall:

(1) Record and maintain records of assessment results, classroom work, behavior, and other evaluative information for identifying each student's progress and needs related to:

(a) Attainment of individual Education Plan (IEP) goals; and

(b) General educational progress in personal, social, and vocational areas.

(2) Meet the needs and interests of each child through adaptation of curriculum and instruction.

(3) Report educational progress to parents and students at least annually on:

(a) Attainment of general learner goals;

(b) Attainment of IEP goals;

(c) General educational progress in personal, social and vocational development, when appropriate.

(4) Where appropriate, provide opportunity for instruction and/or activities in:

(a) Pubic school programs;
(b) Community college;
(c) Vocational settings; and
(d) Community programs.

Stat. Auth.: ORS Ch. 343 & 346
Stats. Implemented: ORS 346.010
Hist.: EB 32-1989, f. & cert. ef. 11-2-89

Instructional Program

581-16-1000 To ensure continual improvement of instructional programs, the Oregon School for the Blind shall review assessment data and other evaluative information to identify levels of performance, to recognize deficiencies and to plan needed improvement. The school shall:

(1) Identify program needs by:

(a) Periodically reviewing assessment results and other evaluative information; and

(b) Conducting program evaluations periodically in all curriculum areas stated in OAR 581-16-603.

(2) Establish an individualized instruction/activity program for each student.

(3) Provide for the inclusion of all appropriate Individual Education Plan (IEP) goals.

(4) Provide appropriate curriculum, instruction and activities to allow students to make necessary progress toward attainment of the IEP goals.

(5) Implement program improvements as identified.

(6) Provide appropriate staff-related development activities.

(7) Report results of information stated above to the Oregon Department of Education.

(8) Provide a coordinated program of media services and technology:

(a) That supports the general instructional goals of the school and IEPs; and

(b) Is developed, implemented, and coordinated by personnel provided for that purpose.

(9) Provide appropriate facilities, materials, and equipment.

Stat. Auth.: ORS Ch. 343 & 346
Stats. Implemented: ORS 346.010
Hist.: EB 32-1989, f. & cert. ef. 11-2-89

Related Services

581-16-1010 The Oregon School for the Blind shall provide those related services which may be specified in a student's Individual Education Plan (IEP) in order for him/her to have access to educational programs; i.e., such services as:

(1) Speech pathology and audiology;
(2) Psychological services;
(3) Physical therapy;
(4) Occupational therapy;
(5) Medical diagnostic services and specific health care;
(6) Counseling and guidance;
(7) Transportation;
(8) Transition; and
(9) Recreation.

Stat. Auth.: ORS Ch. 343 & 346
Stats. Implemented: ORS 346.010
Hist.: EB 32-1989, f. & cert. ef. 11-2-89

Emergency Plans and Safety Programs

581-16-1020 The Oregon School for the Blind shall maintain a comprehensive safety program for all employees and students as set forth in OAR 581-22-706 and 581-22-707.

Stat. Auth.: ORS Ch. 343 & 346
Stats. Implemented: ORS 346.010
Hist.: EB 32-1989, f. & cert. ef. 11-2-89

Operating Policies and Procedures

581-16-1030 The Oregon School for the Blind shall:

(1) Keep copies of operating policies, procedures, and rules adopted pursuant to ORS 332.107, and shall make such information available upon request.

(2) Use a process of management planning in the areas of staffing, instruction, and facility maintenance and construction.

(3) Maintain and make available upon request evidence of compliance with these standards.

Stat. Auth.: ORS Ch. 343 & 346
Stats. Implemented: ORS 346.010
Hist.: EB 32-1989, f. & cert. ef. 11-2-89

Records and Reports

581-16-1040 A student record policy will be maintained by the Oregon School for the Blind consistent with that set forth in OAR 581-22-717.

Stat. Auth.: ORS Ch. 343 & 346
Stats. Implemented: ORS 346.010
Hist.: EB 32-1989, f. & cert. ef. 11-2-89

Support Services

581-16-1050 (1) Pupil transportation services: The Oregon School for the Blind shall cooperate with local school districts in accordance with the local school district responsibilities under ORS 343.283. Transportation shall be provided in accordance with ORS 346.042 and 346.045.

(2) Food services: The Oregon School for the Blind shall provide meals which are nutritious and meet the dietary needs of the students enrolled.

(3) Maintenance and custodial services: The Oregon School for the Blind shall maintain buildings and grounds to provide conditions conducive to the health and safety of students, employees, and the general public.

(4) Facilities: The Oregon School for the Blind shall provide physical facilities which are appropriate to the instructional/activity program and which provide barrier-free access to all students and employees.

(5) Equipment and materials: The Oregon School for the Blind shall provide furniture, equipment, and materials which support the general and child-specific goals of the school.

(6) Residential program: The Oregon School for the Blind residential program shall provide care, training and assessments in the areas of living skills, play and recreational skills, social skills, and behavior management for all Oregon School for the Blind residential students.

Stat. Auth.: ORS Ch. 343 & 346
Stats. Implemented: ORS
Hist.: EB 32-1989, f. & cert. ef. 11-2-89

DIVISION 19

PREKINDERGARTEN

Definitions

581-19-005 The following definitions apply to Oregon Administrative rules 581-19-010 through 581-19-035.

(1) "Advisory Committee" means the Oregon Department of Education advisory committee for the prekindergarten program and the parent education program established by Chapter 684, Oregon Laws 1987.

(2) "Applicant" means a public or private nonsectarian organization which applies for prekindergarten funds.

(3) "Approved Prekindergarten Programs" means those programs which are recognized by the Department as meeting the minimum program rules to be adopted by the State Board of Education.

(4) "At-Risk" means a child at least three years of age and not eligible for kindergarten whose family circumstances would qualify that child for eligibility under the federal Head Start Program.

(5) "Contractor" means an applicant which has been awarded state funds under the prekindergarten program, and which has entered into a contract with the Department of Education to provide a prekindergarten program. Contractors may be local public or private organizations which are nonsectarian in their delivery of services.

(6) "Department" means the Department of Education.

(7) "Eligible Child" means an at-risk child who is not a participant in a federal, state, or local program providing like comprehensive services and may include children who are eligible under rules adopted by the State Board of Education.

(8) "Family" means all persons living in the same household who are:

(a) Supported by the income of the parent(s), caretaker(s) or guardian(s) of the child enrolling in the prekindergarten program; and

(b) Related to the parent(s), caretaker(s) or guardian(s) by blood, marriage, or adoption.

(9) "Handicapped Children" means children who are of the age served by the prekindergarten program of their residence and who require special education in order to obtain the education of which they are capable, because of mental, physical, emotional, or learning problems. These groups include but are not limited to those categories that have traditionally been designated: mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, orthopedically impaired, or other health impaired children.

(10) "Nonsectarian" means that no aspect of prekindergarten services will include any religious orientation.

(11) "Prekindergarten" means those programs which provide comprehensive health, education, and social services in order to maximize the potential of three- and four-year-old children. The "State Prekindergarten Programs" means the statewide administrative activities carried out within the Department of Education to allocate, award, and monitor state funds appropriated to create or assist local prekindergarten programs.

Stat. Auth.: ORS Ch. 684
Stats. Implemented: ORS 329.175 & 329.195
Hist: EB 10-1988, f. & cert. ef. 2-24-88

Use of Grant Funds by Grantees

581-19-010 (1) A minimum of 2.5 percent of the total grant shall be used for staff development.

(2) Start-up costs may be allocated to assist in limited funding of "one-time" costs needed to start new programs, or to add children to existing programs.

(3) Contractors shall use grant funds to serve Oregon residents.

(4) Contractors must have established appropriate internal fiscal controls and fund accounting procedures to assure the proper disbursement of, and accounting for, all funds provided.

Stat. Auth.: ORS Ch. 684
Stats. Implemented: ORS 329.175 & 329.195
Hist: EB 10-1988, f. & cert. ef. 2-24-88

Eligibility Criteria For Contract Applicants

581-19-015 (1) Public or private nonsectarian organizations or consortia of organizations are eligible to apply for funding as a prekindergarten program.

(2) No person in any prekindergarten program shall be subjected to discrimination as defined in ORS 659.150(1).

Stat. Auth.: ORS Ch. 684
Stats. Implemented: ORS 329.175 & 329.195
Hist: EB 10-1988, f. & cert. ef. 2-24-88

Proposal Review and Contract Award

581-19-020 (1) Funds shall be awarded on a competitive basis. Subject to available funds, continuation grants shall be awarded on the basis of satisfactory performance.

(2) An applicant must make formal response using forms issued and established by the Department.

(3) The advisory committee will review the proposals and recommend to the State Superintendent of Public Instruction which proposals should be funded or rejected. The review committee may recommend alterations in the proposals. The committee will prioritize the proposals to the extent practicable, regionally based on percentages of unmet needs in order to distribute funds as widely as possible throughout the state.

(4) The final decisions regarding the prekindergarten program proposals will be made by the State Superintendent of Public Instruction.

(5) The Department shall notify successful applicants and shall provide to each of them a contract for signature. This contract must be signed by an official with authority to bind the applicant and must be returned to the Department prior to the award of any funds under this program.

(6) Any applicant not receiving funding may appeal for review to the State Board of Education. Such appeal must be in writing within 15 days of the date of the notice of nonfunding.

Stat. Auth.: ORS Ch. 684
Stats. Implemented: ORS 329.175, 329.190 & 329.195
Hist: EB 10-1988, f. & cert. ef. 2-24-88

Program Design

581-19-025 (1) Funds appropriated shall be used to establish and maintain new or expanded prekindergarten programs and shall not be used to supplant federally supported Head Start programs.

(2) Programs shall serve the eligible children and provide all components as specified in the federal Head Start Performance Standards (U.S. Department of Health and Human Services, Administration for Children, Youth, and Families, **45 CFR 1304**).

(3) Programs shall provide for staff qualifications and training, facilities and equipment, transportation and fiscal management.

(4) Programs shall coordinate with each other and with federal Head Start programs to insure efficient delivery of services and prevent overlap.

(5) Programs shall provide developmentally appropriate educational services which are consistent with the unique physical, social, emotional, and cognitive needs of young children. Developmentally appropriate programs are both age appropriate and individually appropriate.

(6) Requirements for program design shall be based on a model of comprehensive services to participating children. These include educational services, health services (including medical, dental, nutrition, and mental health), parent involvement, and social services to families. Parents shall be given the opportunity to be involved in every aspect of the planning and implementation of services. Specific program requirements are contained in the program requirements publication available from the Department dated January 21, 1988.

[**Publications**: The publication(s) referred to or incorporated by reference in this rule are available from the Department of Education.]

Stat. Auth.: ORS Ch. 684
Stats. Implemented: ORS 329.175 & 329.195
Hist: EB 10-1988, f. & cert. ef. 2-24-88

Eligibility Criteria For Children Served

581-19-030 (1) Children must be at least three years old on or before September 1 of their entrance year, and not eligible for kindergarten.

(2) At least 80 percent of the children served shall be eligible according to Head Start federal regulations at **45 CFR 1305.4.**

(3) No less than ten percent of the total number of enrollment opportunities in the state of Oregon shall be available for handicapped children. See **45 CFR 1305.5**.

(4) Up to 20 percent of the children served need not qualify according to Head Start regulations.

[**Publications**: The publication(s) referred to or incorporated by reference in this rule are available from the Department of Education.]

Stat. Auth.: ORS Ch. 684
Stats. Implemented: ORS 329.175 & 329.195
Hist: EB 10-1988, f. & cert. ef. 2-24-88

Suspected Abuse

581-19-035 Any employe of the prekindergarten program having reasonable cause to believe that any child with whom the employe comes into contact in his/her official capacity has suffered abuse or neglect, shall report or cause a report to be made in the manner required in ORS 418.755.

Stat. Auth.: ORS Ch. 684
Stats. Implemented: ORS 329.175 & 329.195
Hist: EB 10-1988, f. & cert. ef. 2-24-88

Parent Education

Definitions

581-19-050 (1) "Advisory Committee" means the Oregon Department of Education advisory committee for the prekindergarten program and the parent education program established by Chapter 684, Oregon Laws 1987.

(2) "Applicant" means a public or private nonsectarian organization which applies for parent education funds.

(3) "At-Risk Children" means children between 0 and eight years of age who are assessed by the criteria in OAR 581-19-075.

(4) "Contractor" means an applicant which has been awarded state funds under the parent education program. Contractors may be local public or private organizations which are nonsectarian in their delivery of services.

(5) "Department" means the Department of Education.

(6) "Eligible Family" means any family with an at-risk child.

(7) "Family" means all persons living in the same household who are:

(a) Supported by the income of the parent(s), caretaker(s) or guardian(s);

(b) Related to the parents(s), caretakers or guardian(s) by blood or marriage or adoption.

(8) "Nonsectarian" means that no aspect of parent education program services will include any religious orientation.

(9) "Parent Education" means the statewide administrative activities carried out within the Department of Education to allocate, award, and monitor state funds appropriated to assist local parent education programs.

Stat. Auth.: ORS Ch. 684
Stats. Implemented: ORS 329.175 & 329.195
Hist: EB 11-1988, f. & cert. ef. 2-24-88

Use of Grant Funds

581-19-055 (1) Contractors shall use grant funds to serve Oregon residents.

(2) Contractors must have established appropriate internal fiscal controls and fund accounting procedures to assure the proper disbursement of, and accounting for, all funds provided.

Stat. Auth.: ORS Ch. 684
Stats. Implemented: ORS 329.175 & 329.195
Hist: EB 11-1988, f. & cert. ef. 2-24-88

Eligibility Criteria For Contract Applicants

581-19-060 (1) Public or nonsectarian organizations or consortia of organizations are eligible to apply for funding as a parent education program.

(2) No person in any parent education program shall be subjected to discrimination as defined in ORS 659.150(1).

(3) Applicants shall identify targeted groups, outreach methods, program components, and the qualifications of instructional staff.

Stat. Auth.: ORS Ch. 684
Stats. Implemented: ORS 329.175 & 329.195
Hist: EB 11-1988, f. & cert. ef. 2-24-88

Proposal Review and Contract Award

581-19-065 (1) Funds shall be awarded on a competitive basis. Subject to available funds, continuation grants may be awarded on the basis of satisfactory performance.

(2) An applicant must make formal response using forms issued and established by the Department.

(3) The advisory committee will review the proposals and recommend to the State Superintendent of Public Instruction which proposals should be funded or rejected. The review committee may recommend alterations in the proposals. The committee will prioritize the proposals to the extent practicable, regionally based on percentages of unmet needs in order to distribute funds as widely as possible throughout the state.

(4) The final decisions regarding the parent education proposals will be made by the State Superintendent of Public Instruction.

(5) The Department shall notify successful applicants and shall provide to each of them a contract for signature. This contract must be signed by an official with authority to bind the applicant and must be returned to the Department prior to the award of any funds under this program.

(6) Any applicant not receiving funding may appeal for review to the State Board of Education. Such appeal must be in writing and mailed within 15 days of the date of the notice of nonfunding.

(7) Funds appropriated for the program shall be used to establish and maintain new or expanded parent education programs and shall not be used to supplant any existing programs.

Stat. Auth.: ORS Ch. 684
Stats. Implemented: ORS 329.175, 329.190 & 329.195
Hist: EB 11-1988, f. & cert. ef. 2-24-88

Program Design

581-19-070 (1) Programs shall provide parents with information on child development, discipline, communication, and strategies for preparing their children for school success. Programs may include a support element.

(2) Programs shall be conducted at times and with conditions appropriate for adult learners.

(3) Programs shall develop and use a system to impart parenting skills and information that reflect the needs of the population served and in keeping with the parent education program requirements established by the Department of Education.

(4) Programs shall demonstrate coordination with existing community resources including public schools, local Head Start programs, local health and welfare agencies, community colleges, and any other local parent education/support programs.

(5) Programs shall complete formative and summative self-evaluations in accordance with requirements established by the Department of Education.

(6) Programs may charge families for services based on their ability to pay. Programs will be required to document how fee schedules are established and how funds are used.

Stat. Auth.: ORS Ch. 684
Stats. Implemented: ORS 329.175 & 329.195
Hist: EB 11-1988, f. & cert. ef. 2-24-88

Targeting of Services to Families

581-19-075 Programs must target families whose children ages 0-8 are at-risk of experiencing difficulty in school based on the following criteria:

(1) Single, step and dual career families;

(2) Low-income families;

(3) Families for whom English is a second language;

(4) Families who have experienced high mobility (e.g., military, migrant);

(5) Families whose children have high absenteeism in school;

(6) Families with a disruptive family environment (e.g., prison parent, chemically abusing parents);

(7) Families whose children have been assessed as developmentally at risk;

(8) Families with handicapped children as defined by ORS 343.227;

(9) Minority families; and

(10) Families of adolescent parents.

Stat. Auth.: ORS Ch. 684
Stats. Implemented: ORS 329.175 & 329.195
Hist: EB 11-1988, f. & cert. ef. 2-24-88

Collect Data

581-19-078 Programs must collect data which documents the numbers of families served in each of the criteria categories listed in OAR 581-19-075.

Stat. Auth.: ORS Ch. 684
Stats. Implemented: ORS 329.175 & 329.195
Hist: EB 11-1988, f. & cert. ef. 2-24-88

Suspected Abuse

581-19-080 If employes of the parent education program, in their official capacity, have reasonable cause to believe any child of a parent participant has suffered abuse or neglect, they shall report or cause a report to be made in the manner required in ORS 418.755.

Stat. Auth.: ORS Ch. 684
Stats. Implemented: ORS 329.175 & 329.195
Hist: EB 11-1988, f. & cert. ef. 2-24-88

Tax Credits for Student-Parent Programs and Child Development Programs

Tax Credits for Student-Parent Programs and Child Development Programs

581-19-100 (1) The purpose of this rule is to define child development and student-parent programs that may qualify for tax credits authorized by ORS 315.234, including requirements for substantiation and use of contributions. The credit applies to tax years beginning on or after January 1, 1991, and before December 31, 2001.

(2) For the purposes of this rule, an approved

child development program means a program which consists of an education component and a model day care component and which substantially meets the following standards:

(a) Offers a minimum of one full credit of sequential coursework in child development and parenthood education;

(b) Implements a curriculum on the realities of being a parent, interaction of work and family responsibilities, normal growth and development of infants and young children, discipline and guidance of children, children's safety, healthy prenatal care, and healthy parent-child relationships;

(c) Utilizes instructors with coursework in home economics education, early childhood education or a related field which provides knowledge and understanding of the above curriculum areas;

(d) Provides supervised child care center experiences with young children;

(e) Provides an on-site child development facility which meets health and safety standards and does not accommodate more than 30 full-time equivalent spaces for children;

(f) Maintains appropriate adult-child ratios to assure adequate supervision and optimal learning opportunities for children.

(3) For the purposes of this rule, an approved student-parent program means an educational program which consists of education for the student-parent, day care for the student-parent's child and which substantially meets the following standards:

(a) Provides a comprehensive high school program;

(b) Provides individual and group counseling services in the areas of personal and career development;

(c) Implements curriculum in life skills instruction in meeting basic needs, management of personal resources, interpersonal relationships, sexuality, and family interaction;

(d) Implements curriculum in child development and includes curriculum on the realities of being a parent, interaction of work and family responsibilities, normal growth and development of infants and young children, discipline and guidance of children, children's safety, healthy prenatal care, healthy parent-child relationships;

(e) Offers nutrition information and health services;

(f) Conducts an on-site child care center for the children of the student-parents;

(g) Provides transportation for student-parents and their children;

(h) Coordinates services with community social service agencies, and makes students aware of such services;

(i) Provides career and vocational assessment and planning.

(4) Donations for purposes under this rule shall be used to support, expand, or improve student-parent or child development programs within the district. Donations must not be used to supplant local school district, state, or federal funding. Donations must be credited to the year in which they are received. The credit is allowable only for contributions made after the date of the Department of Education approval.

(5) Approved school district student-parent and child development/ parenthood education programs must provide a copy of the receipts for an eligible donation to the Oregon Department of Education and to the donor. The receipt must specify the following:

(a) The school district number and name;

(b) An indication that the contribution was made to either the child development program or the student-parent program;

(c) Date the program was certified by the Department of Education;

(d) The dollar amount of the contribution;

(e) Name and address of the contributor; and

(f) The date the contribution was made.

(6) Programs which most closely meet or exceed the standards in sections (2) and (3) of this rule will be considered for approval by the Department. Approval of programs will be accomplished through a Request for Proposal (RFP) process. Up to 20 student-parent and up to 20 child development/ parenthood education programs will be approved. Once selected, each program is considered approved through December 31, 2001. Only school districts, education service districts, and district consortia are eligible to apply.

Stat. Auth.: ORS 315.234 & 329.385
Stats. Implemented: ORS 315.234; 329.385; 329.395; 329.415 & 329.425
Hist: EB 23-1991(Temp), f. 10-30-91, cert. ef. 11-1-91; EB 3-1993, f. & cert. ef. 1-13-93; EB 28-1995, f. & cert. ef. 12-11-95

[**ED. NOTE:** The text of Temporary Rules is not printed in the Oregon Administrative Rules Compilation. Copies may be obtained from the adopting agency or the Secretary of State.]

DIVISION 20

SCHOOL IMPROVEMENT AND PROFESSIONAL DEVELOPMENT

Pertaining to School Improvement and Professional Development

581-20-005 A school Improvement and Professional Development Program has been established to encourage the following:

(1) The development of educational goals for individual schools and school districts;

(2) The assessment of the educational progress of school programs and students;

(3) The expansion of professional growth and career opportunities for Oregon teachers; and

(4) The restructuring of the school workplace to provide teachers with responsibilities and authority commensurate with their status as professionals.

Stat. Auth.: ORS Ch. 896
Stats. Implemented: ORS 329.695
Hist.: EB 8-1988, f. & cert. ef. 1-15-88

Definitions

581-20-010 The following definitions apply to OAR 581-20-005 through 581-20-050 unless the context requires otherwise:

(1) "Administrator" includes all persons whose duties require administrative certificates.

(2) "Educational Goals" means a set of goals for educational performance, as formulated by site committees and local communities, and adopted by district school boards, according to provisions of ORS 336.705 through 336.780, to encourage greater accountability between schools and the community, and better to assess the effectiveness of educational programs, including the professional growth and career opportunity programs, described in ORS 336.705 - 336.780.

(3) "Index of Teacher and Learning Conditions" means the system for the collection and analysis of relevant educational data by schools, districts, and the state for the purpose of assessing the educational effectiveness of schools and programs.

(4) "School Improvement and Professional Development Program" means a formal plan submitted by a school district and approved by the Department of Education according to criteria specified in ORS 336.705 - 336.780.

(5) "School District" means a school district, an education service district, a state-operated school, or any legally constituted combination of such entities that submits an application under ORS 336.720.

(6) "Site Committee" means a body composed of teachers, administrators and others, constituted under OAR 581-20-045 for the purpose of designing, sponsoring, and administering local professional growth and career opportunity programs. Building site committees are mandatory; a district site committee is discretionary.

(a) A building site committee established under ORS 336.705 - 336.780 shall be composed of teachers and building administrators, or designees. Representatives of the community at-large and classified employees may be included as considered appropriate by other members of the committee. The duties of a building site committee under ORS 336.705 - 336.780 shall include the development of a plan to improve the professional growth and career opportunities of a school's faculty and the improvement of its instructional program.

(b) A district may establish a district site committee to assist in the administration of grants under ORS 336.705 - 336.780.

(7) "Teacher" means all certificated employees in the public schools or employed by an education service district who have direct responsibility for instruction, coordination of educational programs or supervision of teachers, and who are compensated for their services from public funds. "Teacher" does not include a school nurse as defined in ORS 342.455 or a person whose duties require an administrative certificate.

(8) "Teacher in Good Standing" means a teacher who is currently employed by a school district or ESD and meets the criteria established by the building site committee. Those criteria shall include, but not limited to, demonstration of the following:

(a) Mastery of teacher skills and subject matter knowledge;

(b) A commitment to personal and professional growth as a teacher;

(c) Active collaboration on professional matters with other faculty; and

(d) Active involvement in school and community affairs.

(9) "Active Teachers" and "Classroom Teachers" means all teachers who provide direct instruction to students.

Stat. Auth.: ORS Ch. 336 & 896
Stats. Implemented: ORS 329.695
Hist.: EB 8-1988, f. & cert. ef. 1-15-88; EB 9-1990, f. & cert. ef. 1-30-90

Eligibility

581-20-015 A school district, an education service district, a state-operated school, or a combination of such entities may submit an application to the Department of Education to receive a School Improvement and Professional Development grant.

Stat. Auth.: ORS Ch. 336 & 896
Stats. Implemented: ORS 329.695
Hist.: EB 8-1988, f. & cert. ef. 1-15-88; EB 9-1990, f. & cert. ef. 1-30-90

Grant Application

581-20-020 (1) Except for state-operated schools, the school district in its application shall certify that its proposal has been approved by the school board and is consistent with existing district policies, rules, and contracts bargained under ORS 243.650 to 243.782.

(2) The administration of grant programs under this rule shall be consistent with existing district policies, rules, and contracts bargained under ORS 243.650 to 243.782.

(3) The deadline for applications submitted by districts under ORS 336.705 - 336.780 shall be April 1 preceding the school year for which they are proposed. The Department of Education shall review all applications and shall approve or reject them no later than June 1 of the school year for which they are proposed.

(4) Distribution of grants-in-aid money through

the School Improvement and Professional Development Program shall begin in the 1988-89 school year. Districts that qualify for grants under ORS 336.705-780 shall receive $1,000 per year per each full-time equivalent teacher deemed eligible for this program.

(5) Subject to ORS 291.232 to 291.260, the State Superintendent of Public Instruction shall distribute grants-in-aid to eligible school districts so that at least three-quarters of the allocation due to each eligible district is received no later than February 1 of each fiscal year and the remainder when all required reports are filed with the Department of Education. If underpayments or overpayments result, adjustments shall be made in the following year.

(6) Grants under this program shall be effective for one or two years (fiscal year, July 1 - June 30) and are renewable. Grants may be renewed subject to the evaluation, reapplication, approval by the Oregon Department of Education, and the legislative appropriation of funds.

(7) Nothing in this section is intended to make grants under this rule subject to collective bargaining.

Stat. Auth.: ORS Ch. 336 & 896
Stats. Implemented: ORS 329.709
Hist.: EB 8-1988, f. & cert. ef. 1-15-88; EB 9-1990, f. & cert. ef. 1-30-90

Professional Growth, Career Opportunities, and Instructional Improvement

581-20-025 To be eligible for funding a district application shall define and provide a process by which eligible teachers are selected by a building site committee to receive additional professional growth and career opportunities which may include, but are not limited to, service as a mentor teacher, supervision and instruction of student teachers, either in the classroom or as an adjunct faculty member at a school of education, curriculum development, service on a site committee, reimbursement for academic course work, opportunities for research in a teacher's field or fields, programs to encourage peer observation and assistance programs, additional sabbaticals and other programs designed to encourage professional growth:

(1) All teachers in good standing shall be eligible for advance professional growth and career opportunities, according to criteria established by the building site committees. Those criteria shall include demonstration of the following:

(a) Mastery of teaching skills and subject matter knowledge;

(b) A commitment to personal and professional growth as a teacher;

(c) Active collaboration on professional matters with other faculty; and

(d) Active involvement in school and community affairs.

(2) In applying for such opportunities, teachers shall describe how such opportunities will further the goals of the schools in which the teachers are employed.

(3) Administrators may be eligible for additional professional growth and career opportunities according to criteria established by the building site committee, provided that their proposals are directly linked to enhancing their role as instructional leaders within their schools.

(4) Mini-grants for professional growth and career opportunities may be given for a period of time not to exceed one year.

(5) In exchange for assuming additional responsibilities a teacher approved for a professional growth and career opportunity shall be given the choice of receiving additional release time or additional compensation or a combination of both. However, release time shall not be used if to do so increases the work load of other teachers regularly employed by the school district.

Stat. Auth.: ORS Ch. 336 & 896
Stats. Implemented: ORS 329.695
Hist.: EB 8-1988, f. & cert. ef. 1-15-88; EB 9-1990, f. & cert. ef. 1-30-90

Application

581-20-030 To be eligible for funding, a district's application shall include the following:

(1) A description of a process to formulate and adopt district and individual school building educational goals so that such goals reflect input from a wide range of citizens in the community.

(2) A description of how the district will formulate and use indexes of teaching and learning conditions to measure progress according to those goals. The indexes of teaching and learning conditions may include, but are not limited to, such indicators as:

(a) Class size and teaching loads;

(b) A profile of the teaching and administrative personnel, including such characteristics as years of experience, rate of turnover and absenteeism;

(c) The frequency and nature of teacher misassignments;

(d) The socioeconomic status of the community;

(e) The ability and willingness of a school district to provide financial support for the schools;

(f) Measures of student progress as measured on school district or state assessments, or both;

(g) Attendance and drop out rates;

(h) Student conduct and disciplinary actions;

(i) Measure of student success in vocational, college, and other postsecondary programs; and

(j) Student expectations and attitudes toward learning.

(3) A description of how the proposed program will address the identified needs for professional growth and career opportunities of teachers in the district.

(4) Certification by the school district that none of the moneys received through ORS 336.705 - 336.780 shall be used to replace expenditures for existing programs for professional growth and career opportunities.

(5) A description of how the district will evaluate the effectiveness of its School Improvement and Professional Development grant, using educational goals and an index of teaching and learning conditions.

Stat. Auth.: ORS Ch. 336 & 896
Stats. Implemented: ORS 329.709
Hist.: EB 8-1988, f. & cert. ef. 1-15-88; EB 9-1990, f. & cert. ef. 1-30-90

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State Advisory Committee

581-20-035 (1) The State Board of Education shall appoint a School Improvement and Professional Development Advisory Committee to propose rules for the submission and approval of grants under ORS 336.705-780.

(2) The advisory committee shall include teachers, administrators, school board members, education school faculty, and other citizens as considered appropriate by the Board.

Stat. Auth.: ORS Ch. 896
Stats. Implemented: ORS 329.700
Hist.: EB 8-1988, f. & cert. ef. 1-15-88

District Site Committee

581-20-040 A district may establish a district site committee to assist in the administration of grants under this rule. Such district site committee shall be composed of teachers, administrators, and at least one member appointed by the school board. Classroom teachers shall comprise one-half of such committees and shall be appointed by the certified or recognized bargaining unit, if any, for teachers in the district.

Stat. Auth.: ORS Ch. 896
Stats. Implemented: ORS 329.695
Hist.: EB 8-1988, f. & cert. ef. 1-15-88

Building Site Committee

581-20-045 (1) The establishment of site committees for the school district and for individual schools is desirable to encourage new initiatives in school-based management and the assessment of educational progress, to provide new expanded career opportunities for teachers, and to facilitate efforts to restructure the school workplace to provide educators with greater responsibility while increasing their accountability.

(2) A building site committee established under this rule shall be composed of teachers, administrators, and representatives of the community at-large as considered appropriate by other members of the committee.

(3) Teachers, building administrators, and any designated representatives of the district school board who serve on a building site committee shall be selected by the direct election of peers, through a process described in a district's grant application, under the following conditions:

(a) A majority of a building site committee shall be active classroom teachers;

(b) The principal of a school or the principal's designee shall be a member of a building site committee.

(4) The duties of a building site committee under this rule shall include the development of a plan to improve the professional growth and career opportunities of a school's faculty and the improvement of its instructional program and should reflect efforts to explore initiatives in school-based management.

(5) At least ninety percent of the grant moneys shall be allocated to the building site committee for its discretionary use. Up to ten percent of the grant moneys may be retained by the district for the purposes of evaluation, coordination and administration of the program(s).

Stat. Auth.: ORS Ch. 336 & 896
Stats. Implemented: ORS 329.695
Hist.: EB 8-1988, f. & cert. ef. 1-15-88; EB 9-1990, f. & cert. ef. 1-30-90

Evaluation

581-20-050 (1) A teacher or administrator who receives a grant under this program shall submit a written evaluation report to the building site committee. The building site committee may require additional evaluative information.

(2) The building site committee who receives a mini-grant under this program shall submit a written evaluation report to the local district superintendent to be included in an evaluation report to the Oregon Department of Education.

Stat. Auth.: ORS Ch. 336 & 896
Stats. Implemented: ORS 329.735
Hist.: EB 8-1988, f. & cert. ef. 1-15-88; EB 9-1990, f. & cert. ef. 1-30-90

Professional Development Centers

581-20-055 (1) To administer ORS 336.705 to 336.780, the Department of Education shall dedicate a portion of its funds, not to exceed ten percent of the total appropriate for purposes of ORS 336.705 to 336.780 to provide for the establishment of professional development centers to:

(a) Assist school districts, teachers, site committee members, and other to formulate school improvement and professional development goals;

(b) Assist school districts, teachers, site committee members, and other to formulate and use indices of teaching and learning conditions;

(c) Provide additional professional growth and career opportunities for teachers; and

(d) Carry out other purposes of ORS 336.705-336.780.

(2) Contracts under this program shall be effective for one year and are renewable. Contracts may be renewed subject to the evaluation, reapplication, and approval by the Oregon Department of Education, and the legislative appropriation of funds.

(3) No contract monies shall be used to purchase capital items.

(4) No contract monies shall be used to replace expenditures for school improvement and professional growth opportunities.

Stat. Auth.: ORS Ch. 336
Stats. Implemented: ORS 329.695
Hist.: EB 4-1990, f. & cert. ef. 1-26-90

Beginning Teacher Support Program

Pertaining to Beginning Teacher Support Program

581-20-060 The State Board of Education shall establish a beginning teacher support program to provide eligible beginning teachers in the state with continued and sustained support from a formally assigned mentor teacher. The legislative assembly finds that:

(1) The quality of teaching in the public schools is of vital importance to the future of Oregon;

(2) Oregon has a special interest in insuring that the induction of beginning teachers into their profession is conducive to their professional growth

and development; and

(3) The formal assignment of mentor teachers who have demonstrated mastery of teaching skills and subject matter knowledge should substantially improve the induction and professional growth of beginning teachers in the state as well as provide mentor teachers with additional and valuable opportunities to enhance their own professional growth.

Stat. Auth.: ORS Ch. 336 & 342
Stats. Implemented: ORS 329.795
Hist.: EB 18-1988, f. & cert. ef. 3-16-88; EB 9-1990, f. & cert. ef. 1-30-90;

Definitions

581-20-065 The following definitions apply to Oregon Administrative Rules 581-20-060 through 581-20-090 unless the context requires otherwise:

(1) "Beginning Teacher" means a teacher who:

(a) Possesses a teaching certificate issued by the Teacher Standards and Practices Commission;

(b) Is employed at least half time, primarily as a classroom teacher, by a school district; and

(c) Has taught fewer than 90 consecutive days, or 180 days total, as a certificated teacher in any public, private, or state-operated school.

(2) "District" means a school district, an education service district, a state-operated school, or any legally constituted combination of such districts.

(3) "Formal Assistance" means a program provided by a mentor teacher to a beginning teacher that includes, but is not limited to, direct classroom observation and consultation; assistance in instructional planning and preparation; support in implementation and delivery of classroom instruction; and other assistance intended to enhance the professional performance and development of the beginning teacher.

(4) "Mentor Teacher" means a teacher who:

(a) Possesses a basic or standard teaching, personnel service, or administrative certificate issued by the Teacher Standards and Practices Commission;

(b) Is employed at the time of selection under contract primarily as a classroom teacher by a school district in this state;

(c) Has successfully taught for three or more years as a certificated teacher in any public school;

(d) Has been selected and trained as described in ORS 342.794; and

(e) Has demonstrated mastery of teaching skills and subject matter knowledge.

(5) "Teacher" means a certificated employee of a common or union high school district, an employee of an education service district or a state-operated school who has direct responsibility for instruction, coordination of educational programs or supervision of teachers and who is compensated for services from public funds. "Teacher" does not include a school nurse as defined in ORS 342.455 or a person whose duties require an administrative certificate.

(6) "Active Teachers" and "Classroom Teachers" means all teachers who provide direct instruction to students.

Stat. Auth.: ORS Ch. 336 & 342
Stats. Implemented: ORS 329.795
Hist.: EB 18-1988, f. & cert. ef. 3-16-88; EB 9-1990, f. & cert. ef. 1-30-90

Eligibility

581-20-070 The State Board of Education shall establish a beginning teacher support program to provide eligible beginning teachers in this state with continued and sustained support from a formally assigned mentor teacher.

(1) Any district is eligible to apply to participate in the beginning teacher support program. Grants may be subject to application, evaluation, approval by the Oregon Department of Education, and the legislative appropriation of funds.

(2) Two or more districts may operate jointly a beginning teacher support program is they meet all requirements of this rule.

(3) Educational consortia established for approved teacher education programs pursuant to rules of the Teacher Standards and Practices Commission are eligible to operate a beginning teacher support program to serve beginning teachers in a participating school district if:

(a) All moneys received as grants-in-aid for the beginning teacher support program are administered by the participating school district to provide direct services to beginning teachers; and

(b) All other requirements of this rule are met.

(4) To the extent practicable, school districts may coordinate with institutions of higher education in the design, implementation and evaluation of mentorship programs.

Stat. Auth.: ORS Ch. 336 & 342
Stats. Implemented: ORS 329.795
Hist.: EB 18-1988, f. & cert. ef. 3-16-88; EB 9-1990, f. & cert. ef. 1-30-90

Grant Application

581-20-075 Each district that wishes to participate in the beginning teacher support program shall submit a formal application to the Department of Education no later than October 1 of each school year, according to rules of the State Board. By that date, districts shall inform the department of:

(1) The names of all eligible beginning teachers employed by the district and a description of their teacher assignments and extracurricular duties;

(2) The names of mentor teachers selected by a district and a description of their teaching assignments and the endorsement area in which they are certified to teach;

(3) A description of the content and calendar of the proposed beginning teacher support program. The program must provide a minimum of 90 hours of direct contact between mentor teachers and beginning teachers, including observation of or assistance with classroom teaching, or both, during the school day;

(4) A description of the amount and nature of each eligible beginning teacher's classroom and extracurricular duties and assurance that these duties are not unreasonable for a beginning teacher;

(5) A certification that no eligible beginning teacher is or may be misassigned outside the teacher's endorsement area, except as provided for by rules of the Teacher Standards and Practices

Commission; and

(6) A description of the process by which mentor teachers are selected including a description of the level of participation of classroom teachers and building administrators in the selection process.

Stat. Auth.: ORS Ch. 336 & 342
Stats. Implemented: ORS 329.800
Hist.: EB 18-1988, f. & cert. ef. 3-16-88; EB 9-1990, f. & cert. ef. 1-30-90

Funding

581-20-080 (1) Subject to ORS 291.232 to 291.260, the Superintendent of Public Instruction shall distribute grants-in-aid to eligible districts to offset the costs of beginning teacher support programs. A qualifying district shall receive annually $3,000 for each beginning teacher approved for support.

(2) The Superintendent of Public Instruction shall distribute at least three-fourths of the allocation due to each eligible district no later than February 1 of each fiscal year and the remainder when all required final reports are filed with the Department of Education. If underpayments or overpayments result, adjustments shall be made in the following year.

(3) If the funds are insufficient for all eligible proposals, the department shall award grants on a competitive basis taking into consideration school district size and geographic location. Grants may be subject to application, evaluation, approval by the Oregon Department of Education, and the legislative appropriation of funds.

(4) Notwithstanding section (1) of this rule, if a participating district hires a beginning teacher after its program has been approved, the district shall be eligible to receive, for each beginning teacher in addition to those named in the application, a grant-in-aid that is pro-rated to the remaining length of the school year, and reimbursement for any additional actual costs incurred by the district for training the mentor teacher, if all other requirements of ORS 336.705 to 336.780, 342.782 to 342.798 and 348.120 to 348.135 are met and if funds are available.

(5) In the event the employment of a beginning teacher terminates prior to end of the school year, the district shall return to the Superintendent of Public Instruction whichever is the lesser:

(a) $3,000 minus actual costs incurred by the district as a result of participation in this program; or

(b) $3,000 minus the number of days the beginning teacher was employed times 1/180 times $3,000.

Stat. Auth.: ORS Ch. 336 & 342
Stats. Implemented: ORS 329.805
Hist.: EB 18-1988, f. & cert. ef. 3-16-88; EB 36-1988, f. & cert. ef. 8-5-88; EB 9-1990, f. & cert. ef. 1-30-90; EB 25-1990(Temp), f. & cert. ef. 5-18-90

[**ED. NOTE:** The text of Temporary Rules is not printed in the Oregon Administrative Rules Compilation. Copies may be obtained from the adopting agency or the Secretary of State.]

The Selection, Nature and Extent of Duties of Mentor Teachers

581-20-085 The selection, nature and extent of duties of mentor teachers shall be determined by the school district. The following guidelines shall apply:

(1) No teacher shall be designated as a mentor teacher unless willing to perform in that role;

(2) No mentor teacher shall participate in the evaluation of beginning teachers for purposes of actions taken under ORS 342.805 to 342.955;

(3) Each mentor teacher shall complete successfully a training workshop provided by the Oregon Department of Education or approved according to criteria established by the Department of Education while participating in the beginning teacher support program;

(4) The grant received for each beginning teacher may be used by the district to compensate teachers who act as mentor teachers in addition to their regular duties or to compensate other individuals assigned duties to provide release time for teachers acting as mentor teachers; and

(5) If a mentor teacher receives additional release time to support a beginning teacher, it is expected that the total workload of other teachers regularly employed by the school district should not increase in any substantial manner.

Stat. Auth.: ORS Ch. 336 & 342
Stats. Implemented: ORS 329.815
Hist.: EB 18-1988, f. & cert. ef. 3-16-88; EB 9-1990, f. & cert. ef. 1-30-90

Violation and Penalty

581-20-090 A district that is determined by the Department of Education to be in violation of one or more of the requirements of OAR 581-20-060 through 581-20-085 may be required to refund all grants-in-aid moneys distributed under the above OARs. The amount of penalty shall be determined by the State Board of Education.

Stat. Auth.: ORS Ch. 342
Stats. Implemented: ORS 329.805
Hist.: EB 18-1988, f. & cert. ef. 3-16-88

Pertaining to 21st Century Schools

581-20-100 The 21st Century Schools Program has been established to encourage:

(1) The restructuring of school operations and formal relationships among teachers, administrators, and local citizens, including but not limited to modifications of the following:

(a) The length and structure of the school day and the school year;

(b) Curriculum requirements;

(c) Graduation requirements;

(d) The certification, assignment, and formal responsibilities of teachers, administrators, and other school personnel;

(e) State statutes and rules and local policies and agreements relating to educational practices, with the exception of those that affect health, safety, or constitutional rights under state or federal law;

(f) The formal and informal relationships between school districts, and other entities including community colleges, four-year colleges and universities, businesses, and other institutions; and

(g) The integration of traditional services to grades kindergarten through 12 with public and privately sponsored social services, such as early childhood education, day care, and assistance for teenage parents and other at-risk youth.

(2) Educators, school districts, and local citizens to establish measurable goals for educational attainment and increased expectations for student performance, including but not limited to improvement in such performance measures as:

(a) Student dropout rates;

(b) District, state, and national standardized tests and other assessments of student learning and educational progress;

(c) The extent and nature of parental involvement in school activities;

(d) Student conduct and disciplinary actions;

(e) Student expectations and attitudes towards learning; and

(f) Student success in college, vocational, and other postsecondary programs.

Stat. Auth.: ORS Ch. 840
Stats. Implemented: ORS 329.555
Hist.: EB 5-1990, f. & cert. ef. 1-26-90

Definitions

581-20-105 The following definitions apply to OAR 581-20-100 through 581-20-135 unless the context requires otherwise:

(1) "Administrator" includes all persons whose duties require administrative certificates.

(2) "Building Site Committee" means a body composed of teachers, administrators and public members, constituted according to ORS 336.745, for the purpose of designing and administering programs submitted and approved under the 21st Century Schools Program.

(3) "Department" means the Department of Education.

(4) "District Planning Committee" means a body composed of teachers, administrators, school board members, and public members, constituted under OAR 581-20-125, for the purpose of sponsoring programs submitted and approved under the 21st Century Schools Program.

(5) "School District" means a school district, an education service district, a state operated school, or any legally constituted combination of such entities that sponsors an eligible program and submits an application under OAR 581-20-125.

(6) "State Board" means the State Board of Education.

(7) "Teacher" means all certificated employees of a school district who have direct responsibility for instruction, coordination of educational programs, or supervision of teachers and who are compensated for their services from public funds. "Teacher" does not include a school nurse, as defined in ORS 342.455, or a person whose duties require an administrative certificate.

Stat. Auth.: ORS Ch. 840
Stats. Implemented: ORS 329.555
Hist.: EB 5-1990, f. & cert. ef. 1-26-90

Eligibility

581-20-110 (1) Any district school board is eligible to submit an application for the 21st Century Schools Program.

(2) Applications may be made on behalf of the following:

(a) An individual school building;

(b) Two or more school buildings within a district;

(c) All school buildings within a district; or

(d) A consortium consisting of two or more school districts.

Stat. Auth.: ORS Ch. 840
Stats. Implemented: ORS 329.565
Hist.: EB 5-1990, f. & cert. ef. 1-26-90

Application

581-20-115 (1) All applications for the 21st Century Schools Program shall be submitted to the Department of Education, and shall contain the following:

(a) A letter of support from the school board and the exclusive representative of teachers in the buildings affected;

(b) An abstract of the nature and objectives of the project and a description of the changes projected to occur in the school or district, or any combination thereof, as a result of the proposal;

(c) A description of the goals and major activities to be carried out as part of the project, including but not limited to the nature and extent of the restructuring of school operations and formal relationships as described in OAR 581-20-100. The application shall also describe the process used to identify the goals and major activities of the project;

(d) A list of the major student learning and educational outcomes that are projected to occur as a result of the project, including but not limited to:

(A) The length and structure of the school day and the school year,

(B) Curriculum requirements,

(C) Graduation requirements,

(D) The certification, assignment, and formal responsibilities of teachers, administrators, and other school personnel,

(E) State statutes and rules and local policies and agreements relating to educational practices, with the exception of those that affect health, safety, or constitutional rights under state or federal law,

(F) The formal and informal relationships between school districts, and other entities including community colleges, four-year colleges and universities, businesses, and other institutions,

(G) The integration of traditional services to grades kindergarten through 12 with public and privately sponsored social services, such as early childhood education, day care, and assistance for teenage parents and other at-risk youth,

(H) Student dropout rates,

(I) District, state, and national standardized tests and other assessments of student learning and educational progress,

(J) The extent and nature of parental involvement in school activities,

(K) Student conduct and disciplinary actions,

(L) Student expectations and attitudes towards learning, and

(M) Student success in college, vocational, and other postsecondary programs;

(e) A description of all statutes and rules to be modified or waived to complete the activities of the project. For each provision, the application shall include a statement describing why the modification or waiver is warranted;

(f) A description of all district rules and agreements that are to be modified or waived. All such provisions shall be approved by a majority vote of each building site committee, the affirmative vote of at least two-thirds of the certificated teachers in the affected school buildings and the approval of the local district school board and the exclusive representative of the teachers;

(g) A budget plan for the project and additional anticipated sources of funding, if any, including private grants and contributions;

(h) A description of the process by which data will be collected and assessed to measure student learning and other educational performance attributable to the project;

(i) Letters expressing support and a willingness to participate from community colleges and other postsecondary institutions, where appropriate;

(j) The number of school years for which approval is sought. The period shall be no less than three years and no more than five years; and

(k) A description of how the district intends to share and disseminate to other school districts those practices that prove effective.

(2) Applications shall contain all the components of section (1) of this rule to be eligible for approval.

(3) The application may also contain written statements of support from parents, citizens, local businesses, and other interested individuals and organizations.

(4) A district shall submit its application to the Department of Education.

(5) Within 60 days districts submitting applications and the public will be given an opportunity to comment on the applications.

(6) No later than 90 days after receipt of an application by the Department of Education, the State Board of Education shall approve or deny any application submitted under this Act.

(7) Along with its annual report, a district may submit proposed amendments to its approved program describing additional statutes, rules, or local policies and agreements that it proposes to waive. Such amendments must be accompanied by a statement of support from the local school board, the exclusive representative of teachers and each building site committee involved in the project. The advisory committee may recommend approval of such amendments upon a finding of satisfactory progress by the district and a determination that all other provisions of this Act have been met.

(8) A district may terminate its application by submitting to the board a request for termination that has been approved by the school board, the exclusive representative of teachers and the building site committees.

(9) Applications under this program shall be effective for the period of time identified in the application and are renewable. Applications may be renewed subject to reapplication, evaluation, and the approval by the Board of Education.

Stat. Auth.: Chapter 840, Oregon Laws 1989
Stats. Implemented: ORS 329.575
Hist.: EB 5-1990, f. & cert. ef. 1-26-90; EB 13-1993(Temp), f. 3-25-93, cert. ef. 3-26-93; EB 24-1993, f. & cert. ef. 7-30-93

[**ED. NOTE:** The text of Temporary Rules is not printed in the Oregon Administrative Rules Compilation. Copies may be obtained from the adopting agency or the Secretary of State.]

State Advisory Committee

581-20-120 (1) The School Improvement and Professional Development Advisory Committee, appointed by the State Board of Education under ORS 336.730, shall propose rules, for adoption by the State Board, to govern the submission and approval of applications for the 21st Century Schools Program.

(2) The advisory committee shall review all applications submitted under this Act and recommend applications for approval by the State Board including but not limited to the following criteria:

(a) The existence of significant, measurable, and achievable goals based on student performance;

(b) The extent to which the district has demonstrated the need for the requested modifications and waiver of specified statutes and rules and local policies and agreements;

(c) The extent to which the application proposes significant changes in the structure of school operations and the formal relationships among teachers, administrators, and public citizens, as described in OAR 581-20-100;

(d) The clarity of purpose and values underlying the proposal;

(e) Evidence of thoroughness in identifying, developing, and projecting implementation of the proposed activities;

(f) Evidence of potential transferability of the proposed activities and practices that are judged to be successful;

(g) A determination that modification or waiver of statutes and rules and local policies and agreements will not be detrimental to the health, safety, or constitutional rights of students, teachers, administrators, or the public under state or federal law; and

(h) A demonstration of support and commitment from all parties to support and faithfully implement the proposal.

(3) The advisory committee may suggest modifications in submitted applications, subject to the approval of the school board, the exclusive representative of teachers and each building site committee involved in the project.

(4) The State Board shall consider the recommendations of the advisory committee and make the final decisions on approval of the applications, using the criteria contained in section (2) of this rule. Before making these decisions, the State Board shall allow opportunity for comment by persons submitting the applications and by the public.

Stat. Auth.: ORS Ch. 840
Stats. Implemented: ORS 329.700
Stats. Implemented: ORS 329.700
Hist.: EB 5-1990, f. & cert. ef. 1-26-90

District Planning Committee

581-20-125 (1) If more than one school building is part of an application, the building site committees may elect to establish a district planning committee to facilitate the development of its application. A district planning committee constituted under this Act shall consist of:

(a) Administrators and at least one school board member to be chosen by the school board;

(b) Teachers, chosen by the exclusive representative, in a number equal to those appointed under subsection (1)(a) of this rule; and

(c) At least three public members, chosen jointly by the other members of the committee.

(2) To participate in the 21st Century Schools Program, and prior to submission of an application by the school board, a school district shall have accomplished the following:

(a) Identified the school building or buildings and, if appropriate, the school district or districts on whose behalf the application is submitted;

(b) Established, in each school building affected by the proposal, a building site committee;

(c) Agreed, at the direction of the building site committees and, if applicable, the district planning committee, upon the following:

(A) The major activities to be carried out as part of the project, including but not limited to the nature and extent of the restructuring of school operations and formal relationships;

(B) The specified measure of student learning and educational outcomes for each building affected by the application; and

(C) The process by which each building site committee and, where applicable, the district planning committee will collect data and assess the progress and final performance of its program.

(3) The local district school board shall be responsible for submitting the application and certifying that all appropriate requirements have been met.

Stat. Auth.: ORS Ch. 840
Stats. Implemented: ORS 329.705
Hist.: EB 5-1990, f. & cert. ef. 1-26-90

Building Site Committee

581-20-130 (1) A building site committee is mandatory.

(2) A building site committee shall be constituted according to ORS 336.745.

(3) The duties of the building site committee shall include the development and implementation of a school improvement and professional development plan which may reflect greater flexibility in the ways schools are organized, managed, and financed.

Stat. Auth.: ORS Ch. 840
Stats. Implemented: ORS 329.705
Hist.: EB 5-1990, f. & cert. ef. 1-26-90

Evaluation and Annual Reports

581-20-135 (1) Each district that receives approval for a project under the 21st Century Schools Program shall submit an annual report to the advisory committee appointed under ORS 336.730 and to the local community. The report shall include specific data that reflect the nature and extent of changes in student learning and other performance as described in its application.

(2) If, based upon theses annual reports, the advisory committee determines that a district's progress is unsatisfactory, the advisory committee may recommend to the State Board that the district be placed on probation for a one-year period. During the probationary year, the district shall be eligible for special assistance from the Department of Education. During the probationary year, the district shall also prepare a contingency plan in the event it is ordered to terminate its project prematurely.

(3) If, after the probationary period described in section (2) of this rule, the district's progress is still unsatisfactory in the judgment of the advisory committee, the advisory committee may recommend that the State Board terminate the project and implement its plan for returning to compliance with previously waived statutes, rules, and local policies and agreements.

Stat. Auth.: ORS Ch. 840
Stats. Implemented: ORS 329.600
Hist.: EB 5-1990, f. & cert. ef. 1-26-90

School Facility Improvement Grants

581-20-200 (1) Any school district, which for purposes of this rule includes a common or union high school district, an education service district or any combination thereof, may apply for a School Facility Improvement Grant to construct or maintain public school facilities. No school district may submit more than one application on behalf of the individual school district and one application in conjunction with other school districts.

(2) Grant applications shall be submitted to the State Superintendent of Public Instruction by May 31. The application shall state:

(a) The specific purpose of the grant which may include, for new or existing facilities:

(A) Land acquisition;
(B) Planning and design;
(C) Construction;
(D) Remodeling;
(E) Reduction of energy consumption;
(F) Alternation;
(G) Furnishing and equipping;
(H) Repair;
(I) Replacement; and
(J) Other capital maintenance, but shall not include cleaning.

(b) The need for the construction or maintenance, including documentation of applicable factors such as:

(A) Age of the facility for which maintenance or construction is proposed;

(B) The degree of overcrowding;

(C) The absence of facilities necessary to accomplish the educational goals of the district and state;

(D) Deterioration of existing facilities which has the potential of affecting the health and safety of students;

(E) Damage or destruction of existing facilities due to natural disaster;

(F) Compliance with the Americans with Disabilities Act; and

(G) How the construction or maintenance will facilitate implementation of the educational goals of House Bill 3565 enacted by the 1991 Legislative Assembly.

(c) The amount requested and how the grant monies, if awarded, shall be matched with local funds. Grants shall be matched by at least one local dollar from the grant applicant for every four state dollars;

(d) The time period when the grant funds will be needed, including a statement of any detrimental effect that may be caused by delay; or in the alternative, a statement that the time period is flexible.

(3) Grants shall not exceed $500,000 in any biennium to any school district.

(4) In addition, a combination of districts may submit a joint grant application in an amount not to exceed $500,000.

(5) A district or combination thereof may apply in subsequent bienniums for additional grants for the same facility.

(6) Grants will be screened on the following criteria:

(a) Age of the school facilities;

(b) Degree of overcrowding;

(c) Potential student health and safety concerns due to deterioration of school facilities or natural disasters;

(d) Reduction of energy consumption; and

(e) The need for additional, new, replacement, or updated facilities in order to:

(A) Comply with the American with Disabilities Act; or

(B) Accomplish educational goals for the district and state, specifically the goals set forth in HB 3565.

(7) In the event that meritorious grant applications exceed the amount of grant funds available, the Superintendent of Public Instruction shall place all of the applications, which contain the information required under section (2) of this rule and which are judged meritorious by the criteria set forth in section (6) of this rule, in a pool from which applications will be selected on a random basis. Applications shall be ranked in order of their selection and grants shall be awarded in numerical order up to a total of $5 million.

(8) The Superintendent of Public Instruction shall award School Facility Improvement Grants from funds appropriated to the School Facility Improvement Fund subject to availability of funding. If the amount of funding is less than $5 million, grant awards will be reduced on a pro rata basis. Notification of grant awards shall be made within 45 days after the closing date for grant applications.

(9) The decision of the Superintendent shall be final.

Stat. Auth.: ORS 327.300 - 327.330

Stats. Implemented: ORS 327.300, 327.310, 327.320 & 327.330

Hist.: EB 3-1994, f. & cert. ef. 4-29-94; EB 9-1994(Temp), f. & cert. ef. 6-28-94

[**ED. NOTE:** The text of Temporary Rules is not printed in the Oregon Administrative Rules Compilation. Copies may be obtained from the adopting agency or the Secretary of State.]

DIVISION 21

SCHOOL GOVERNANCE AND STUDENT CONDUCT

[ED. NOTE: Administrative Order 1EB 45, filed 2-26-60 relating to School Governance and Student Conduct was previously filed by the Department of Education.]

School Governance

Definitions

581-21-005 [1EB 118, f. 11-28-67, ef. 12-25-67;
1EB 134, f. 7-5-72, ef. 7-15-72;
1EB 146, f. 2-2-73, ef. 2-15-73;
Repealed by 1EB 224,
f. & ef. 5-5-76]

Duties of Teachers

581-21-010 [1EB 118, f. 11-28-67, ef. 12-25-67;
1EB 134, f. 7-5-72, ef. 7-15-72;
Repealed by 1EB 224,
f. & ef. 5-5-76]

School Records: Transcripts

581-21-015 [1EB 118, f. 11-28-67, ef. 12-25-67;
1EB 134, f. 7-5-72, ef. 7-15-72;
Repealed by EB 23-1987,
f. & ef. 10-20-87]

District School Board Proceedings

581-21-020 Questions of school officers and others concerning the proper administration of the school laws and rules of the Oregon State Board of Education shall be submitted to the Superintendent of the respective county. If the Superintendent is not prepared to answer any question of law submitted to him, he may submit the same in writing to the Superintendent of Public Instruction, giving all the essential facts and stating the point of inquiry in the form of a direct question. The Superintendent of Public Instruction shall answer all such inquiries, securing an opinion of the Attorney General when necessary.

Stat. Auth.: ORS Ch. 326
Stats. Implemented: ORS 326.310
Hist.: 1EB 118, f. 11-28-67, ef. 12-25-67; 1EB 134, f. 7-5-72, ef. 7-15-72

Student Evaluation

581-21-022 The district shall develop policies to assure that a students' academic grade reflects his/her academic achievement in that course. Absenteeism or misconduct shall not be a sole criterion for the reduction of grades.

Stat. Auth.: ORS 326.051(1)(b)
Stats. Implemented: ORS
Hist.: EB 17-1991, f. & cert. ef. 9-9-91

Teacher Evaluation

581-21-024 The following form shall be completed pursuant to ORS 342.850. It may be supplemented by district forms for a more comprehensive evaluation to improve the quality of instruction. (See **Exhibit 1**.)

Stat. Auth.: ORS Ch. 342
Stats. Implemented: ORS 342.850
Hist.: 1EB 268, f. & ef. 11-8-77; 1EB 2-1980, f. 1-9-80, ef. 7-1-80

Examination of Children Taught by Parent or Private Teacher

581-21-025 [1EB 141, f. 10-5-72, ef. 10-15-72;
1EB 228, f. & ef. 6-4-76;
1EB 8-1986, f. 3-12-86, ef. 3-17-86;
Repealed by 1EB 10-1986,
f. 3-21-86, ef. 3-24-86]

Examination of Children Instructed by Parent or Private Teacher

581-21-026 (1) The following definitions and abbreviations apply to OAR 581-21-026 through 581-21-028 unless otherwise specified within the rule:

(a) "Child" means a person between ages 7 and 18 whose parent or parents seek exemption from compulsory school attendance under ORS 339.030(3).

(b) "Department" means the Oregon Department of Education.

(c) "Neutral person" means an individual selected by the parent or guardian of the child to be taught at home who has no relationship by bloodline or marriage to the child.

(d) "Notification" means written notice containing:

(A) The child's and the parent's name, address, telephone number,

(B) The child's birth date, and

(C) The name of the school the child is presently attending, or last attended, or if child has not attended school, the name of the public school district in which the child resides.

(e) "Order" means to provide formal written notice in conformance with ORS 339.035(3)(d).

(f) "Parent" is the natural parent or legal guardian of a child whom the parent desires to be exempted from compulsory attendance under the provisions of ORS 339.030(3).

(g) "Qualified person" is an individual who:

(A) Holds a current personnel service license or teaching license from Oregon Teacher Standards and Practices Commission; or

(B) Has been licensed by the Oregon Board of Psychologist Examiners, or

(C) Has met the publisher's qualifications for purchase, and has purchased at least one test from the list set forth in section (3) of this rule; or

(D) Provides evidence of satisfactory completion of a graduate course in which test administration and interpretation is included in the objective; or

(E) Has previously qualified as a tester pursuant to paragraph (1)(g)(A) of this rule, and has during the previous year administered at least one test from the list set forth in section (3) of this rule).

(h) "Satisfactory Educational Progress" means that, compared to the norming group for a test selected from the list in section (3) of this rule, the student scores at or above the 15th percentile (Normal Curve Equivalent (NCE) Score = 28) on the composite score of the selected test or, if the student scores below the 15th percentile, the student's composite score is equal to or greater than the composite score of the previous year.

(I) "Superintendent" is the executive officer of the education service district (ESD).

(2) The parent or private teacher shall give written notification of intent to withdraw the child from school to the Superintendent at least 10 calendar days prior to the intended date of withdrawal each school year or at least 10 calendar days prior to the beginning of each school year. The Superintendent, within 10 calendar days of receipt of the notification, shall acknowledge receipt of same in writing to the parent and inform the superintendent of the child's resident district.

(3) The parent must select the age-appropriate level of any one of the following tests to be administered to the child annually. A parent may choose to have a child initially tested beginning at age 7 with an oral or written first or second grade test. Test results used to satisfy the testing requirements of one year cannot be resubmitted in a succeeding year, nor may an equivalent test and norm be repeated to satisfy the testing requirements of the succeeding year except when a spring test score is used as the initial score. When the initial test is a spring test administered on or after March 1, that test score may be submitted for both the initial reporting requirement and the following fall (October 31) requirement contained in section (6) of this rule.

(a) California Achievement Test, 1985 or 1992;

(b) Comprehensive Tests of Basic Skills, 1989 or 1996;

(c) Iowa Tests of Basic Skills/Tests of Achievement and Proficiency, 1985, 1988,1992 or 1995;

(d) Metropolitan Achievement Battery, 1985 or 1992;

(e) SRA Achievement Battery, 1985;

(f) Stanford Achievement Test Battery, 1988, 1991 or 1995; and

(g) Tests adopted or approved by the State Board of Education that qualify for use in the statewide assessment of students attending public schools.

(4) The State Superintendent and the Oregon Department of Education shall make available a list of the test publishers and their addresses.

(5) The Department shall make available a list of persons qualified to administer tests under subsection (1)(g) of this rule, such list to be updated by July 1 of each year. To be placed on the list, an applicant shall submit to the State Superintendent of Public Instruction evidence that satisfies requirements of subsection (1)(g) of this rule.

(6) If the test administrator scores the test, the administrator shall submit results of the test to the parents and provide a duplicate copy for the parent to submit to the Superintendent. If the test administrator does not score the test, the administrator shall submit the student answer sheet to the Superintendent whereupon after scoring, the Superintendent shall return the results of the examination to the parent. The documents required shall be submitted to the Superintendent:

(a) By October 31 of the school year in which the child is withdrawn or within eight weeks of notification to the Superintendent of withdrawal of the child, whichever date is later, if the child has not received home schooling in the preceding school year; or

(b) By October 31 of the school year if the child has received home schooling in the preceding school year.

(7) A test administrator shall certify that the administrator is qualified and neutral as defined in this rule with respect to a child being tested.

(8) All costs for the test instrument, administration, and scoring are the responsibility of the parent. If the completed but unscored response document is submitted to the Superintendent, the Superintendent shall have the test scored for which a fee may be charged.

(9) The parent shall submit the results of the examination, the name of the test administrator and the test administrator's statement certifying qualification and neutrality to the Superintendent by October 31 of the school year in which the child is withdrawn or within eight weeks of notification to the Superintendent of withdrawal of the child, whichever date is later.

(10) A child who turns seven after September 1 shall not be required to be tested, nor shall the parent be required to notify the Superintendent, until the beginning of the next school year.

(11) Failure to submit the test results or completed test in accordance with section (9) of this rule, shall be a basis for the Superintendent to notify the child's resident district that the parent has not met the requirements of ORS 339.035.

(12) Approved for amendment with an effective date of November 1, 1996; with the understanding it will be reviewed annually by the State Board.

Stat. Auth.: ORS 339.030 & 339.035
Stats. Implemented: ORS 339.035
Hist.: 1EB 8-1986, f. 3-12-86, ef. 3-17-86; 1EB 10-1986, f. 3-21-86, ef. 3-24-86; EB 6-1992(Temp), f. & cert. ef. 2-25-92; EB 26-1992, f. & cert. ef. 7-28-92; EB 33-1992(Temp), f. & cert. ef. 10-29-92; EB 14-1993, f. & cert. ef. 3-25-93; EB 12-1996, f. 7-26-96, cert. ef. 11-1-96

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Determination of Satisfactory Educational Progress

581-21-027 (1) Upon receipt of a child's test results, the superintendent shall provide a copy of the results to parents and shall make a determination whether satisfactory educational progress is being made by the child as defined in OAR 581-21-026(1)(i). No parent shall be ordered to send the child to school for the remainder of the school year based upon results of the first annual examination submitted by the parents for their child to meet requirements under ORS 339.035(3).

(2) In the event that the superintendent finds that the child is not showing satisfactory educational progress, the superintendent shall provide the parent with a written statement of the reasons for the finding, based on the test results and may:

(a) Order the parent to send the child to school for the remainder of the school year; or

(b) Allow, with the consent of the parent, the child's education to be supervised by a person who holds a current Oregon teaching certificate for the remainder of the school year. The parent shall be responsible for the cost of services of the certificated person. The child's test results shall be submitted to the superintendent by October 31 of the succeeding school year. If, upon receipt of the test results, the superintendent finds that the child has failed to achieve satisfactory educational progress as defined in OAR 581-21-026(1)(i), the superintendent may send the child to school for the remainder of that school year.

Stat. Auth.: ORS 339.030 & 339.035
Stats. Implemented: ORS 339.035
Hist.: 1EB 8-1986, f. 3-12-86, ef. 3-17-86; 1EB 10-1986, f. 3-21-86, ef. 3-24-86; EB 26-1992, f. & cert. ef. 7-28-92

Administrative Review of Education Service District or County School District Decision Made Under OAR 581-21-027

581-21-028 (1) The parent may appeal the order of the superintendent to send the child to school for the remainder of the school year to the State Superintendent of Public Instruction by filing a written statement of appeal with the State Superintendent, and a copy of the appeal to the superintendent who issued the order within 30 calendar days of the date of the order. The parent shall submit with the appeal to the State Superintendent a copy of the test results for the current school year and prior school year(s), and the superintendent's statement of reasons for finding satisfactory educational progress was not being made by the child.

(2) The State Superintendent of Public Instruction shall review the record and issue an order affirming, reversing, or modifying the superintendent's decision within 30 calendar days of receipt of the appeal. During the pendency of the appeal to the State Superintendent of Public Instruction, the parent may continue to home school the child or send that child to a private school. If the parent appeals the decision of the State Superintendent to the circuit court, the parent may petition the Superintendent to stay enforcement of the order as provided in OAR 137-03-090 to 137-03-092.

(3) Violation of ORS 339.020 or the requirements of ORS 339.035 is punishable, upon conviction, by a fine of not more than $100, or by imprisonment in the county jail for not more than 30 days, or both, as set forth at ORS 339.990.

Stat. Auth.: ORS 339.030 & 339.035
Stats. Implemented: ORS 339.035
Hist.: 1EB 8-1986, f. 3-12-86, ef. 3-17-86; 1EB 10-1986, f. 3-21-86, ef. 3-24-86; EB 26-1992, f. & cert. ef. 7-28-92

Home Schooling for Handicapped Students

581-21-029 (1) The following definitions apply to this rule:

(a) "District" means the school district of the parent's residence on the date of the notification of the superintendent by the parent or guardian of the intent to teach the child at home;

(b) "Resident district superintendent" means the superintendent of the district as defined in subsection (1)(a) of this rule;

(c) "Superintendent" means the executive officer of the Education Service District or, where there is no ESD, the county school district serving the school district of which the child is a resident;

(d) "Parent" means the natural parent or legal guardian of a child whom the parent desires to be exempted from compulsory attendance under the provisions of ORS 339.030(5);

(e) "Handicapped child" means a child meeting the eligibility criteria for their specific handicapping condition as set forth in OAR 581-15-051.

(2) When a parent notifies the superintendent, as provided in OAR 581-21-025, that he/she intends to teach the child at home, the superintendent, in accordance with OAR 581-21-026, shall notify the resident district superintendent.

(3) If the child is identified as handicapped, the district shall offer, and document to the parent, opportunities for the child to receive or continue to receive special education and related services. Such services, however, shall not be provided in the home.

(4) If the child has been identified as handicapped and the parent refuses special education services, the district shall:

(a) Record the parent's refusal;

(b) Document to the parent the availability of special education services for their child; and

(c) For the students in a special education program, send a notice of change of placement to the parent stating that the parent has elected to withdraw the child from public school under ORS 339.030(5). The notice shall include statements that:

(A) The district has the responsibility to offer a free appropriate public education;

(B) The district has offered the free appropriate public education;

(C) The parent may request a due process hearing as provided under OAR 581-15-081; and

(D) The child is entitled at any time to re-enroll in the public school.

(5) If the parent, resident district superintendent or superintendent believes a child is handicapped, the district shall follow procedures under OAR 581-15-039 to obtain parent consent for evaluation to determine the child's eligibility to receive special education and related services. If the child is eligible, the district shall notify the parent and shall offer the child a free appropriate public education.

(6) If a parent of a child refuses consent for evaluation of the child, the district shall document the refusal and initiate due process hearing procedures under ORS 343.165 and OAR 581-15-080 through 581-15-096:

(a) If the parent participates in the hearing but refuses to comply with the decision of the hearings officer, the district shall document, in the hearing record, its attempt to evaluate, identify and offer the child a free appropriate education;

(b) If the parent does not participate in the hearing, the district shall document, in the hearing record, its attempt to evaluate, identify and offer the child a free appropriate education and the parent's lack of consent thereto;

(c) A child who has not been evaluated and identified, shall be considered nonhandicapped by the district.

(7) Notwithstanding OAR 581-21-027 in determining satisfactory education progress for a handicapped child, the district shall direct the multidisciplinary team to evaluate the child as required under OAR 581-15-072 to determine whether satisfactory educational progress appropriate to the age and handicapping condition of the child has been made:

(a) In place of the child's regular teacher as specified in OAR 581-15-072(7)(a)(A), the multidisciplinary team shall include the parent, and the person teaching the child when such is the case;

(b) The multidisciplinary team report shall state whether the child has made satisfactory educational progress, and the superintendent shall consider that report in determining the child's progress. The student need not complete all IEP goals in order for the superintendent to make a determination that the child is making satisfactory educational progress;

(c) If the parent refuses the annual evaluation or refuses to arrange to have a test administered as required in ORS 339.035 and OAR 581-21-026 for nonhandicapped students, the superintendent shall follow procedures set out in OAR 581-21-026(11). The local district may take action against the parent for violation of ORS 339.035 or 339.020.

(8) The superintendent may order the child back to school if the child has not made satisfactory educational progress. The parent may appeal the order of the superintendent following procedures under OAR 581-21-028.

Stat. Auth.: ORS Ch. 339
Stats. Implemented: ORS
Hist.: 1 EB 29-1986, f. & ef. 7-23-86

Limitation on Administration and Utilization of Tests in Public Schools

581-21-030 (1) Tests shall be considered as instruments that are means to assist decision-making on the part of parents, the public, school boards and the professional staff, rather than ends unto themselves. Tests may be used as follows in addition to other uses specified in local policies:

(a) To assist in making decisions about the effectiveness of school programs;

(b) To assist in determining the attainment of specified educational outcomes;

(c) To provide information to the students about themselves, to parents, and to the school staff which may assist them in making programmatic decisions of benefit to the student.

(2) Tests of intelligence, ability, achievement or aptitude shall not be used as sole criterion for placement of students in educational groups or tracks:

(a) Before administering individual intelligence tests (as opposed to group intelligence tests) and all tests of personality to children in public schools, districts shall inform parents as to the purpose of testing; and the parents' written permission shall be obtained. In homes where the predominant language spoken is not English, the communications on the purpose of testing should be in the language spoken in the home;

(b) When a school district believes it is not feasible to comply with subsection (2)(a) of this rule, it may petition the Department of Education for a waiver in accordance with the procedure contained in the State Standards for Oregon Public Schools.

Stat. Auth.: ORS Ch. 326 & 336
Stats. Implemented: ORS
Hist.: 1EB 141, f. 10-5-72, ef. 10-15-72; 1EB 173, f. 7-1-74, ef. 9-1-74; 1EB 226, f. & ef. 6-4-76; 1EB 16-1982, f. 8-4-82, ef. 8-5-82

Interscholastic Activities Eligibility Requirement for Home School Students

581-21-033 (1) A home school student may participate in interscholastic activities in his or her resident district's attendance area if the student meets all of the requirements of ORS 339.460 and:

(a) Achieves a composite test score that is not less than the 23rd percentile on any of the annual achievement tests listed in OAR 581-21-026; and

(b) Submits the student's composite test score to the district prior to participation in an interscholastic activity.

(2) Notwithstanding subsection (1)(b) of this rule, any public school student who chooses to be home schooled may participate in interscholastic activities while awaiting test score results.

Stat. Auth.: ORS Ch.
Stats. Implemented: ORS 339.460
Hist.: EB 15-1991(Temp), f. & cert. ef. 8-29-91; EB 2-1992, f. & cert. ef. 2-21-92

[ED. NOTE: The text of Temporary Rules is not printed in the Oregon Administrative Rules Compilation. Copies may be obtained from the adopting agency or the Secretary of State.]

Administration of Interscholastic Activities

581-21-034 (1) The following definitions apply to this rule unless otherwise indicated in the context:

(a) "Student": A person of school age enrolled or seeking enrollment in an Oregon public school or a person who is home schooled and who meets the eligibility requirements of OAR 581-21-033;

(b) "Interscholastic Activity": A public school activity with optional student participation which complements the curriculum, encourages students' physical, academic or social development, is supervised by school personnel and generally is conducted outside the instructional day. Interscholastic activity does not include those activities which utilize school facilities as authorized under ORS 332.172;

(c) "Organization": Any voluntary state or national body which administers an interscholastic activity for Oregon public schools and which is not chartered or otherwise regulated by the Department of Education;

(d) "State Board": Oregon State Board of Education;

(e) "Department": Oregon Department of Education.

(2)(a) An organization may apply to the State Board for approval to administer interscholastic activities by submitting:

(A) The application forms provided by the Department;

(B) A statement of the organization's purpose, including its charter, constitution, and bylaws;

(C) The organization's most recent set of financial statements; and

(D) The organization's academic and behavioral standards for student participation.

(b) Any change in documents required by subsection (a) of this section shall be submitted to the Department within 30 days of the change.

(3) To gain approval, the applicant organization must submit all required information and assure that the organization will:

(a) Comply with state and federal laws relating to Oregon public school students and administrative rules of the State Board;

(b) Not discriminate as discrimination is defined in ORS 659.150; and

(c) Complement, through its actions and activities, the State Board functions as defined in ORS 326.051(1)(a).

(4) Approval shall be for five school years, beginning with July 1 of the application year and ending on June 30 of the fifth year.

(5) Review of the organization's approved status may be ordered at anytime by the State Superintendent of Public Instruction or the State Board, and shall be ordered by the State Superintendent upon receipt of a written complaint alleging violation of section (3) of this rule.

(6)(a) An organization's authority to administer interscholastic programs may be revoked or suspended by the State Board or its designee if it is determined that the organization has not met the provisions of section (3) of this rule;

(b) No suspension or revocation shall be effective until the organization has had opportunity for a hearing under the provisions of ORS Chapter 183.

(7) Any final determination of an organization which determines a student to be ineligible to participate in interscholastic activities is appealable to the State Superintendent under procedures set forth at OAR 581-21-035. "Final determination" is defined at OAR 581-21-035(1).

(8) The Department shall maintain a list of those organizations approved by the State Board to administer interscholastic activities in Oregon public schools.

Stat. Auth.: ORS Ch. 326, 339.030 & 339.035
Stats. Implemented: ORS 326.051 & 339.430
Hist.: EB 13-1988, f. & cert. ef. 3-15-88; EB 26-1992, f. & cert. ef. 7-28-92

Appeal of Ineligibility Decisions

581-21-035 (1) A student or the student's parent or guardian may appeal from a final determination that he or she is ineligible to participate in interscholastic activities by making a written complaint to the State Superintendent of Public Instruction as provided herein. As used in OAR 581-21-034 and this rule, "final determination" means:

(a) A conclusive ineligibility ruling by a school district or, if the school district has empowered a voluntary association to make such rulings, a conclusive ineligibility ruling by a voluntary association described in ORS 332.075(6); or

(b) A delay of longer than 14 working days between a written request for an eligibility determination and a ruling described in subsection (1)(a) of this rule.

(2) The complaint shall state:

(a) The name and address of the person making the complaint and the name of the student(s) affected by the delay or denial;

(b) That the person is a student who has been determined to be ineligible, or a parent, guardian or person in a parental relationship to the student;

(c) An allegation that the determination of ineligibility is in violation of a state or federal law or an administrative rule of the State Board of Education:

(d) The authority from whose decision the appeal is brought; and

(e) The relief requested.

(3) The State Board designate the State Superintendent of Public Instruction to cause appropriate notices of hearing to be served and the matter heard as a contested case pursuant to ORS 183.413 to 183.480. The hearing shall be held in the county where the school district is located or a site mutually agreed upon by the parties.

(4) When the school or school district, or voluntary association described in ORS 332.075(6), has been found to have determined a student to be ineligible to participate in interscholastic activities in violation of a state or federal law or an administrative rule of the State Board of Education, the State Superintendent of Public Instruction shall issue an order requiring the school or school district to permit the student to participate in interscholastic activities. Within such time as required by the Superintendent following the date of the Superintendent's Order, the school or school district shall notify the State Superintendent of Public Instruction of the district's compliance with the order. The State Superintendent of Public Instruction may order appropriate sanctions for noncompliance.

Stat. Auth.: ORS Ch. 326 & 404
Stats. Implemented: ORS 339.430
Hist.: 1EB 8-1983(Temp), f. & ef. 9-2-83; 1EB 4-1984, f. & ef. 3-7-84; EB 14-1988, f. & cert. ef. 3-15-88; EB 34-1988, f. & cert. ef. 8-3-88

[**ED. NOTE:** The text of Temporary Rules is not printed in the Oregon Administrative Rules Compilation. Copies may be obtained from the adopting agency or the Secretary of State.]

Procedure for Complaints of Discrimination in Determining Participation in Interschool Activities

581-21-036 [1EB 8-1983(Temp),
f. & ef. 9-2-83]

Equal Employment and Educational Opportunity

581-21-040 [1EB 158(7), f. 9-27-73, ef. 10-1-73;
1EB 161, f. 12-20-73, ef. 1-12-74;
Repealed by 1EB 252,
f. & ef. 9-30-76]

Equal Employment and Educational Opportunity

Discrimination Prohibited

581-21-045 (1) Discrimination Defined:

(a) "Discrimination" means any act that unreasonably differentiates treatment, intended or unintended, or any act that is fair in form but discriminatory in operation, either of which is based on age, handicap, national origin, race, marital status, religion or sex;

(b) The words "District, School District" include all common and union high school districts and education service districts and all educational agencies, programs, and services under the jurisdiction of the State Board of Education, except community college districts.

(2) "General Prohibition of Discrimination": No person in Oregon shall be subjected to discrimination in any public elementary or secondary

school, educational program or service, or interschool activity where the program, service, school, or activity is financed in whole or part by monies appropriated by the Legislative Assembly.

(3) "Specific Prohibitions": In providing programs or services to students, a school district shall not, on a discriminatory basis as defined in subsection (1)(a) of this rule:

(a) Treat one person differently from another in determining whether such person satisfies any requirement of condition for the provision of such aid, benefit, or service;

(b) Provide different aid, benefits, or services; or provide aids, benefits, or services in a different manner;

(c) Deny any person such aid, benefit, or service;

(d) Subject any person to separate or different rules of behavior, sanctions, or other treatment;

(e) Aid or perpetuate discrimination by joining or remaining a member of any agency or organization which discriminates in providing any aid, benefit, or service to students or employees;

(f) Otherwise limit any person in the enjoyment of any right, privilege, advantage, or opportunity.

(4) "Exceptions": These rules shall not affect attendance boundaries, limit placement of students in programs of desegregation, nor supersede any specific statutory requirement for any educational program.

Stat. Auth.: ORS Ch. 326 & 659
Stats. Implemented: ORS 326.051 & 659.150
Hist.: 1EB 252, f. & ef. 9-30-76; 1EB 11-1984, f. & ef. 4-17-84

Program Compliance Standards

581-21-046 (1) Access to Course Offerings. A school district shall not provide any course or otherwise carry out any of its educational programs or activities on a discriminatory basis or require or refuse participation therein by any of its students on such basis:

(a) This section does not prohibit grouping of students in any educational program or activity by ability as assessed by objective standards of individual performance;

(b) Where use of an objective standard of measuring skill or progress in an educational program has a discriminatory effect on persons as defined in OAR 581-21-045, the district shall use appropriate standards which do not have such effect;

(c) This section does not prohibit separating students by sex within physical education classes or activities during participation in wrestling, boxing, rugby, ice hockey, football, basketball, soccer, and other sports the purpose or major activity of which involves bodily contact.

(2) Employment Assistance. A district which actively assists any agency, organization, or person in making employment available to any of its students shall assure itself that such employment is made available without discrimination.

(3) Marital Status. A district shall not discriminate against any student or exclude any student from its educational program or activity including any class or extracurricular activity on the basis of the student's marital status; however the student may request voluntarily to participate in a separate portion of the program or activity of the district.

(4) Athletics. A district which operates or sponsors interscholastic club or intramural athletics shall provide equal athletic opportunity for members of both sexes, all age and ethnic groups, and persons with handicaps. In determining whether equal opportunities are available, the Superintendent of Public Instruction shall consider among other factors whether the selection of sports and levels of competition effectively accommodate the interests and abilities of all students.

(5) Students Unable to Attend Because of Religious Beliefs. Any student who because of his or her religious beliefs is unable to attend classes on a particular day shall be excused from attendance requirements and from any examination or other assignment on that day. The student shall make up the examination or other assignment missed because of such absence. The absence shall not be counted for the purpose of an attendance policy that may result in exclusion, failure, or reduction of grade based upon a certain number of days.

(6) Textbooks and Curriculum Material. Nothing in this rule shall be interpreted as requiring or prohibiting or abridging in any way the use of adopted textbook or curriculum material. However, where materials are found upon investigation to provide discriminatory impact on the basis of race, national origin, religion, sex, age, handicap, or marital status, there should be established resources for employees and students of the district for supplemental alternative nondiscriminatory material.

(7) Use of Appraisal and Counseling Materials. A district which uses testing or other materials for appraising or counseling students shall not use materials which discriminate on the basis of race, national origin, religion, sex, age, handicap, or marital status, or use materials which permit or require different treatment of students on such basis unless such differences cover the same occupation and interest areas and the use of such different material is shown to be essential to the elimination of discrimination. Districts shall develop and use internal procedures for insuring that such materials may not discriminate.

(8) Bilingual or Linguistically Different Students. Districts shall develop and implement a plan for identifying students whose primary language is other than English and shall provide such students with appropriate programs until they are able to use the English language in a manner that allows effective and relevant participation in regular classroom instruction and other educational activities.

(9) Equal Educational Opportunity Plans. Districts shall develop and implement a plan which assures that all students have equal opportunity to participate in the educational programs and activities and equal access to facilities in the district. Said plan shall include courses and/or components which provide students with an understanding of the pluralistic realities of their society, including multi-cultural/racial/ethnic education and equity in portraying all classes protected under ORS 659.150. Upon the request of the Superintendent of Public Instruction, districts shall submit copies of such plans and other

assurances as are deemed necessary and proper.

(10) Interpretation of Rules. The Superintendent of Public Instruction may issue written interpretations concerning rules for nondiscrimination upon the written request of parties to a complaint at the district level.

Stat. Auth.: ORS Ch. 326 & 659
Stats. Implemented: ORS 326.051 & 659.150
Hist.: 1EB 252, f. & ef. 9-30-76; 1EB 11-1984, f. & ef. 4-17-84

Discrimination in Employment Prohibited

581-21-048 [1EB 252, f. & ef. 9-30-76;
Repealed by 1EB 7-1979,
f. & ef. 5-4-79]

Hearings and Appeals

581-21-049 (1) Districts shall adopt written procedures for the prompt resolution of complaints of discrimination. Persons may, after exhausting local grievance procedures or 90 days (whichever occurs first) appeal in writing to the Superintendent of Public Instruction. The Superintendent shall review the local school district procedures and findings of fact to determine if proper procedures were followed and what action if any shall be taken. In making this determination, the Superintendent may decide:

(a) No substantial evidence exists for the charges of discrimination, and no further action will be taken;

(b) Discrimination may exist, and conciliation will be attempted to reach agreement by both parties.

(2)(a) If conciliation fails to resolve the parties' differences within 30 days, the Superintendent shall promptly establish a date for a hearing on the complaint. Said hearing shall be conducted within 30 days of failure of conciliation unless both parties agree to an extension of the period. The hearing shall be conducted in accordance with provisions of Oregon's Administrative Procedures Act;

(b) In conducting a hearing required by this rule, the Superintendent of Public Instruction shall determine if a local district is in compliance with the provisions of ORS 659.150.

(3) When a complaint of discrimination has been appealed to the Superintendent of Public Instruction, and the district has been found not to be in compliance with ORS 659.150, the Superintendent of Public Instruction shall issue an order requiring compliance within 30 days. If the district does not comply within 30 days, the Superintendent of Public Instruction shall order appropriate remedies which may include:

(a) Withholding of all or part of each quarterly payment of the basic school support fund due the district under ORS 327.095;

(b) Daily fines assessed against the district;

(c) Forbidding the district to participate in interschool activities;

(d) Other appropriate remedies.

(4) The Superintendent of Public Instruction shall report such action to the Oregon Board of Education at its next regular meeting.

(5) Notwithstanding sections (1) and (3) of this rule, in discrimination matters alleging a denial of participation in season athletic activities wherein adherence with the local district's grievance procedure would prejudice the interest of complainant, either party may shorten the applicable timelines set forth in this rule by serving notice by first class mail upon the other party and the Superintendent of Public Instruction in substantially the following form:

In the Matter of the NOTICE OF Discrimination Complaint MODIFICATION OF TIME of ________________

You are hereby notified that timelines set forth in OAR 581-21-049 for this matter are hereby modified for the reason set forth in OAR 581-21-049(5).

Upon the third day from the postmark of this notice OAR 581-21-049 shall be modified as follows:

1. In Section (1) "90 days" shall be "10 days".

2. In Section (3) "30 days" shall be "10 days".

In the event that more than one party shall serve the above notice, the notice postmarked first shall control the applicable timeline.

Stat. Auth.: ORS Ch. 659
Stats. Implemented: ORS 326.051 & 659.150
Hist.: 1EB 252, f. & ef. 9-30-76; 1EB 11-1984, f. & ef. 4-17-84

Student Conduct and Discipline

Minimum Standards for Student Conduct and Discipline

581-21-050 (1) School district boards shall prepare written rules of pupil conduct and discipline that shall include, but not necessarily be limited to, the following topics:

(a) Assembly of students;
(b) Dress and grooming;
(c) Motorized and nonmotorized vehicles;
(d) Search and seizure;
(e) Attendance;
(f) Freedom of expression;
(g) Alcohol, drugs, and tobacco;
(h) Student records;
(i) Discipline, suspension, and expulsion.

(2) School district rules pertaining to these topics shall include statements on student rights, responsibilities, and conditions which create a need for these rules.

Stat. Auth.: ORS Ch. 339
Stats. Implemented: ORS 339.240
Hist.: 1EB 132, f. 5-19-72, ef. 6-1-72; 1EB 230, f. & ef. 6-4-76; 1EB 252, f. & ef. 9-30-76; EB 26-1989(Temp), f. & cert. ef. 9-8-89; EB 18-1990, f. & cert. ef. 4-5-90

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Standards of Conduct

581-21-055 (1) Students shall comply with the written rules of the school district board, pursue the prescribed course of study, submit to the lawful authority of teachers and school officials, and conduct themselves in an orderly fashion.

(2) Students shall be liable to discipline, suspension, or expulsion for misconduct, including but not limited to:

(a) Theft;

(b) Disruption of the school;

(c) Damage or destruction of school property;

(d) Damage or destruction of private property on school premises or during a school activity;

(e) Assault or threats of harm;

(f) Unauthorized use of weapons or dangerous instruments;

(g) Unlawful use of drugs, narcotics, or alcoholic beverages;

(h) Persistent failure to comply with rules of the lawful directions of teachers or school officials.

Stat. Auth.: ORS Ch. 339
Stats. Implemented: ORS 339.250
Hist.: 1EB 132, f. 5-19-72, ef. 6-1-72; 1EB 230, f. & ef. 6-4-76

Discipline Procedures, Prohibition of Corporal Punishment

581-21-060 (1) School district boards shall establish fair and reasonable procedures for discipline, suspension, or expulsion.

(2) No student in Oregon shall be subjected to corporal punishment in any public elementary or secondary school. A school administrator is not authorized to waive the prohibition against corporal punishment based upon the request of a parent or guardian.

Stat. Auth.: ORS Ch. 339
Stats. Implemented: ORS 339.250
Hist.: 1EB 132, f. 5-19-72, ef. 6-1-72; 1EB 259, f. 1-31-77, ef. 2-1-77; EB 27-1989(Temp), f. & cert. ef. 9-8-89; EB 19-1990, f. & cert. ef. 4-5-90

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Corporal Punishment Defined

581-21-061 (1) Corporal punishment is any act which willfully inflicts or willfully causes the infliction of physical pain on a student.

(2) Corporal punishment does not include the use of reasonable physical force by a school administrator, teacher, school employee, or volunteer as necessary to maintain order or to prevent a student from harming him/herself, other students, and school staff property.

(3) Corporal punishment does not include physical pain or discomfort resulting from or caused by:

(a) Training for or participation in athletic competition voluntarily engaged in by a student;

(b) Recreational activity voluntarily engaged in by a student;

(c) Physical exertion shared by all students in a teacher directed class activity, which may include, but is not limited to, physical education exercises, field trips, or vocational education projects; or

(d) Physical restraint or the use of aversive techniques as part of a behavior management program in a student's individual education program which has been signed by the parent and is carried out according to district procedures.

Stat. Auth.: ORS Ch. 339
Stats. Implemented: ORS 339.250
Hist.: ED 25-1989(Temp), f. & cert. ef. 9-8-89; EB 20-1990, f. & cert. ef. 4-5-90

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Suspension

581-21-065 (1) Students may be suspended when such suspension contains within its procedures the elements of prior notice (OAR 581-21-075), specification of charges, and an opportunity for the student to present his or her view of the alleged misconduct. The suspending official shall notify the student's parent or guardian of the suspension, the conditions for reinstatement, and appeal procedures, where applicable. These procedures may be postponed in emergency situations relating to health and safety.

(2) Emergency situations shall be limited to those instances where there is a serious risk that substantial harm will occur if suspension does not take place immediately.

(3) School district boards shall provide students suspended under emergency conditions with the rights outlined in section (1) of this rule as soon as the emergency condition has passed.

(4) In all suspensions ordered by the executive officer of the school district or [his] designated representative, the district school board shall have the right of final review if the action is not taken by the school board itself.

(5) School district boards shall limit suspension to a specific maximum number of days. That maximum shall not exceed ten school days.

(6) School district boards or designated representatives shall specify the methods and conditions, if any, under which the student's school work can be made up. Students shall be allowed to make up school work upon their return from the suspension if that work reflects achievement over a greater period of time than the length of the suspension. For example, the students shall be allowed to make up final, mid-term, and unit examinations, without an academic penalty, but it is within the districts' discretion as to whether the students may be allowed to make up daily assignments, laboratory experiments, class discussions or presentations.

(7) In special circumstances a suspension may be continued until some specific pending action occurs, such as a physical or mental examination, or incarceration by court action.

Stat. Auth.: ORS 339.240
Stats. Implemented: ORS 339.240, 339.250 & 339.260
Hist.: 1EB 132, f. 5-19-72, ef. 6-1-72; 1EB 230, f. & ef. 6-4-76; EB 18-1991, f. & cert. ef. 9-9-91; EB 11-1996, f. & cert. ef. 6-26-96

Expulsion

581-21-070 (1) A school district board may expel, or delegate authority to a hearings officer to expel, a student provided the student is not expelled without a hearing unless the student's parent(s) or guardian, or the student, if 18 years of age, waives the right to a hearing. Waiver may take place by the parent or the student, if 18 years of age, notifying the school district in writing of waiver of the right to a hearing. Waiver may also take place by the parent, or the student, if age 18 or over, failing to appear after notice, at the place and time set for the hearing:

(a) If the school board acts to expel, the hearing may be conducted by a hearings officer designated by the board. In cases where the hearings officer is conducting the expulsion hearing for the board, the hearings officer shall provide to the board the findings as to the facts, the recommended decision and whether or not the student is guilty of the conduct alleged. This material shall be made available at the same time to the parent or guardian, and to the student, if age 18 or over;

(b) If the authority to expel a student is delegated to a hearings officer, the parent, or student, if age 18 or over, shall have the right upon appeal to a board review of the decision. If the decision is appealed to the board for review, the board shall be provided findings as to the facts and the decision of the hearings officer. This material shall be made available at the same time to the parent or guardian, and to the student, if age 18 or over. When appealed, the board will affirm, modify, or rescind the decision of the hearings officer.

(2) Student expulsion hearings shall be conducted pursuant to ORS 332.061.

(3) Expulsion hearing policies or rules shall contain provisions for the following:

(a) Notice to the student and to the parent or guardian shall be given by personal service or certified mail of the charge or charges and the specific facts that support the charge or charges. The notice shall include the statement of intent to consider the charges as reason for expulsion. Where notice is given by personal service, the person serving the notice shall file a return of service. Where notice is given by certified mail to a parent of a suspended student the notice shall be placed in the mail at least five days before the date of the hearing;

(b) Where the student or the student's parent cannot understand the spoken English language, an interpreter shall be provided by the district;

(c) The student may be represented by counsel or other persons;

(d) The student shall be permitted to introduce evidence by testimony, writings, or other exhibits;

(e) The student shall be permitted to be present and hear the evidence presented by the district;

(f) Strict rules of evidence shall not apply to the proceedings. However, this provision shall not limit the hearings officer's control of the hearing;

(g) The hearings officer or the student may make a record of the hearing.

Stat. Auth.: ORS Ch. 339
Stats. Implemented: ORS 339.240, 339.250 & 339.260
Hist.: 1EB 132, f. 5-19-72, ef. 6-1-72; 1EB 212, f. 1-20-76, ef. 2-25-76; 1EB 230, f. & ef. 6-4-76; 1EB 262, f. 6-2-77, ef. 6-3-77

District Information for Parents and Students Regarding the Availability of Alternative Education Programs

581-21-071 (1) The following definitions apply to this rule:

(a) "Erratic attendance" means the student is frequently absent to the degree that he/she is not benefiting from the educational program;

(b) "Notification" means written notice, by personal service or certified mail, to the parent or guardian and student as required by ORS 339.250(6).

(2) District school boards shall adopt policies and procedures for notification to students and parents, or guardians of the availability of appropriate and accessible alternative programs. This notification shall be provided in the following situations:

(a) Upon the occurrence of a second or any subsequent occurrence of a severe disciplinary problem within a three-year period;

(b) When the district finds a student's attendance pattern to be so erratic that the student is not benefiting from the educational program;

(c) When the district is considering expulsion as a disciplinary alternative;

(d) When a student is expelled pursuant to subsection (3) of ORS 339.250; and

(e) When an emancipated minor, parent, or legal guardian applies for a student's exemption from compulsory attendance on a semiannual basis as provided in ORS 339.030(5).

(3) The notification must include but is not limited to the following:

(a) Student action which is the basis for consideration of alternative education;

(b) Listing of alternative programs available to this student for which the district would provide financial support in accordance with ORS 339.620 except that when notice is given in accordance with subsection (2)(e) of this rule the district shall not be obligated to provide financial support;

(c) The program recommended for the student based on student's learning styles and needs;

(d) Procedures for enrolling the student in the recommended program; and

(e) When the parent or guardian's language is other than English, the district must provide notification in manner that the parent or guardian can understand.

(4) The district shall inform all parents or guardians of the law regarding alternative education and educational services available to students by such means as a statement in the student/parent handbook, notice in the newspaper, or an individual letter to a parent.

(5) District school boards shall adopt a procedure for parents or guardians to request establishment of alternative programs within the district.

(6) District school boards shall not approve the enrollment of a pupil in a private alternative program unless the private alternative program meets all requirements of OAR 581-21-045.

Stat. Auth.: ORS Ch. 339
Stats. Implemented: ORS 339.250
Hist.: EB 35-1987, f. & ef. 12-11-87; EB 26-1990, f. & cert. ef. 5-18-90

Registration of Private Alternative Program

581-21-072 (1) For the purposes of ORS 339.620(1), prior to receiving public school funds, all private alternative education programs shall renew registration with the Oregon Department of Education annually by September 30. New private alternative education programs developed or contracted with during the school year shall be registered with the Oregon Department of Education prior to receiving public school funds.

(2) The Oregon Department of Education shall distribute registration forms annually by June 1 to private alternative programs currently registered with the Department.

(3) The registration form for private alternative

programs shall include:

(a) Program name, mailing address and telephone number;

(b) Name of administrator;

(c) List of staff and their certification, if any;

(d) Statement of philosophy;

(e) Grades, age levels, and special needs to be served by the program;

(f) Statement of compliance with OAR 581-21-045;

(g) Documentation that the facilities used by the alternative program comply with the applicable fire, health, and safety regulations; and

(h) A list of the contracting districts which evaluated the program during the previous school year.

(4) The Department may monitor the procedure used by the private alternative program for reporting FTE for the purposes of basic school support.

Stat. Auth.: ORS Ch. 339
Stats. Implemented: ORS 336.635
Hist.: EB 27-1990, f. & cert. ef. 5-18-90

Distribution

581-21-075 (1) School district boards, or designated representatives, shall attempt to give widest possible distribution to their rules of pupil conduct and discipline in order that students may understand the expectations of the district.

(2) School districts shall make reasonable attempts to give a copy of their current rules to each student, and a copy of the current rules shall be posted in a prominent place in the schools of the district.

(3) School districts shall make these rules available to the general public upon request.

Stat. Auth.: ORS Ch. 339
Stats. Implemented: ORS 336.635
Hist.: 1EB 132, f. 5-19-72, ef. 6-1-72

Exemption from Compulsory Attendance

581-21-076 (1) As used in this rule:

(a) "School" means any public school, education service district program, community college, college, university, public alternative program, registered private alternative program, technical or vocational school or training program, or being taught by a parent or private teacher pursuant to ORS 339.035;

(b) "Semiannual" means prior to the next vacation or reentry time in the school year but a minimum of two times per year;

(c) "Full-time work" means employment for 30 or more hours per week;

(d) "Full-time school" means attending an educational program for a period of time defined as one FTE under OAR 581-23-005; enrolling in a community college, college or university for a minimum of 12 credit hours per term; receiving 20 hours of instruction per week in a technical or vocational school or training program; or being taught an equivalent period of time by a parent or private teacher pursuant to ORS 339.035;

(e) "Emancipated minor" means any child who is an emancipated minor or who has initiated the procedure for emancipation under ORS 109.550 to 109.565 (ORS 339.030(5));

(f) "Part-time work and part-time school" means a combination of work/education activities equivalent to 30 hours per week of involvement.

(2) The school district may grant exemption from compulsory attendance to the parent or legal guardian of a child who is 16 or 17 years of age or an emancipated minor, provided the child is:

(a) Employed full time;

(b) Employed part time and enrolled in a school part time; or

(c) Enrolled full time in a school.

(3) The request for exemption shall be in writing including documentation of the child's employment by the employer or enrollment status by the school. Additionally, the school shall request notification when the child's employment or the child's enrollment status is terminated.

(4) When considering a request for exemption from compulsory attendance, a school district shall conduct an interview that shall include, but need not be limited to, the following:

(a) Attendance by the child and the parent or legal guardian or the emancipated minor;

(b) Attendance by a school counselor or school administrator;

(c) Consideration of the reasons for the request; and

(d) Review of the following information about the child or emancipated minor:

(A) Credit for graduation;

(B) Grades;

(C) Current handicapping status, if applicable;

(D) Prior handicapping status, if applicable;

(E) Results of standardized tests;

(F) Teacher evaluations;

(G) Counselor appraisal;

(H) Immediate plans;

(I) Short-range and career goals; and

(J) Other relevant information.

(5) If the exemption from compulsory attendance is granted, the school district shall give the child and the parent or legal guardian the following information in writing:

(a) Alternative programs of instruction or instruction combined with counseling are available, as provided in ORS 339.250(6) and (7);

(b) The exemption is granted for a limited time, must be renewed on a semiannual basis and will be reviewed by the school district on a certain date; and

(c) The district shall notify the parent of the need to reapply for an exemption by a specific date or return the student to school until the child attains a high school diploma, GED, or the age of 18.

(6) The rule is effective July 1, 1990.

Stat. Auth.: ORS Ch. 339
Stats. Implemented: ORS 339.030
Hist.: EB 28-1990, f. & cert. ef. 5-18-90

Compulsory Attendance Notices and Citation

581-21-077 (1) Definitions for purposes of this rule:

(a) "Parent" means parent, guardian or other person having control of a minor child who has not completed the 12th grade or is not otherwise legally exempt from compulsory attendance under ORS 339.030;

(b) "Student" means a minor between the ages of 7 and 18 who has not completed the 12th grade, and who is not exempt from compulsory attendance under ORS 339.030;

(c) "Superintendent" means the superintendent of a public school district or the superintendent's designee;

(d) "Attendance Supervisor" means an official appointed under ORS 339.040;

(e) "Regular Attendance" means attendance which does not include more than eight unexcused one-half day absences, or the equivalent thereof, in any four-week period in which the school is in session.

(2) Notice of Attendance Supervisor. When an attendance supervisor determines a parent has failed to enroll his or her child and to maintain such child in regular attendance at a public school, the attendance supervisor shall give written notification to the parent within 24 hours of being informed of the failure. The notice may be served personally or by certified mail:

(a) The notice shall state that the student must appear at the public school on the next school day following receipt of the notice and maintain regular attendance for the remainder of the school year;

(b) The attendance officer, at the time the notice is served to the parent, shall notify the district superintendent, principal or other appropriate school official.

(3) Notice of Superintendent. If the parent receiving the notice of the attendance supervisor does not comply with that notice, the attendance officer, within three days of knowledge of such noncompliance, shall notify the superintendent. Upon notification by the attendance officer, the superintendent may issue a citation as set forth in **Attachment A**.

(4) Prior to issuing the citation set forth in **Attachment A**, the superintendent, by personal service or certified mail, shall serve the parent written notification that:

(a) States that the student is required to regularly attend a full-time school;

(b) Explains that the failure to send the student and to maintain the student in regular attendance is a Class B infraction;

(c) States that the superintendent may issue a citation of up to $100;

(d) Requires the parent and the student to attend a conference with a designated school official; and

(e) Is written in the native language of the parent or guardian of the student.

(5) The superintendent shall schedule the conference described in subsection (4)(d) of this rule. If the parent does not attend the conference or fails to send the child to public school after the conference, the superintendent may issue a citation provided by the Department of Education in the form set forth as **Attachment A** which is incorporated by reference into this rule. The citation shall be served in person.

[**ED. NOTE:** The Attachment referenced in this rule is not printed in the OAR Compilation. Copies are available from the Department of Education.]

Stat. Auth.: ORS 8.665, 153.110 - 153.310, 153.990, 339.010 - 339.090, 339.925 & 339.990
Stats. Implemented: ORS 339.090, 339.925, 339.990 & 8.665
Hist.: EB 33-1993(Temp), f. & cert. ef. 11-15-93; EB 4-1994, f. & cert. ef. 4-29-94

[**ED. NOTE:** The text of Temporary Rules is not printed in the Oregon Administrative Rules Compilation. Copies may be obtained from the adopting agency or the Secretary of State.]

Evaluation

581-21-080 [1EB 132, f. 5-19-72, ef. 6-1-72;
Repealed by 1EB 246,
f. & ef. 9-23-76]

Local School District Responsibility for Implementation

581-21-085 [1EB 132, f. 5-19-72, ef. 6-1-72;
Repealed by 1EB 246,
f. & ef. 9-23-76]

School Traffic Patrols

581-21-100 (1) School traffic patrols will be operated in accordance with the guidelines described in the **Oregon Traffic Patrol Manual** published by the Oregon Department of Education.

(2) Upon a school district request, staff assigned to the School Traffic Patrol Program will distribute equipment supplied by the Oregon Highway Division; staff will also provide help for existing patrols, and help establish and train new patrols.

(3) A school district may request that section (1) of this rule be waived and that the district be allowed to operate a school traffic patrol in accordance with district guidelines. The State Superintendent of Public Instruction may approve such a waiver upon submission of evidence that by following district guidelines, school traffic patrols can be operated as efficiently and with no reduction in student safety as compared to guidelines in **Oregon Traffic Patrol Manual**.

[**Publications:** The publication(s) referred to or incorporated by reference in this rule are available from the Department of Education.]

Stat. Auth.: ORS Ch. 336
Stats. Implemented: ORS 339.660
Hist.: EB 9-1987, f. & ef. 5-12-87

Standard Education for Oregon Students

581-21-200 A Standard Education for Oregon Students is comprised of:

(1) Common Curriculum Goals. The Common Curriculum Goals consist of:

(a) Essential Learning Skills. The Essential Learning Skills are those skills essential to learning and necessary for understanding in the subject matter areas. The skills are: Reading, writing, speaking, listening, mathematics, reasoning and study skills;

(b) Common Knowledge and Skills. The Common Knowledge and Skills consists of facts, concepts, principles, rules, procedures and methods of inquiry associated with the following subject matter areas:

(A) English Language Arts;
(B) Mathematics;
(C) Health Education;
(D) Science Education;
(E) Physical Education;
(F) Social Studies;
(G) Music;
(H) Art;

(I) Personal Finance;

(J) Second Language and Culture (proposed);

(K) Career Education.

(2) Professional — Technical Education. Occupational preparation which blends the interests and aptitudes of students with the skills and experience needed to become employed, sustain economic independence and enter advanced education and training.

(3) Education Programs Mandated by State or Federal Law and Selected Other State Requirements Presently Constituted:

(a) The approximately 30 programs mandated by state statutes are in two categories, instruction and support. They include a diverse range of requirements such as protection of trees and shrubs, commemorating women in history, providing free textbooks, programs for talented and gifted students, transportation and properly maintained buildings and grounds;

(b) The three federally mandated programs are: The Asbestos Hazard Emergency Act of 1986, as amended; The Individuals With Disabilities Act, PL 101-476, that all children with disabilities have an opportunity for a free appropriate public education; The Family Education Rights and Privacy Act, PL 93-380, as amended by PL 93-568, that imposes certain requirements and restrictions on the release of student records;

(c) The following state requirements contained in OAR Chapter 581, Division 22:

(A) Goals for Elementary and Secondary Education;

(B) Graduation Requirements;

(C) Education of Talented and Gifted;

(D) Required Days of Instruction;

(E) Required Instructional Time;

(F) Kindergarten Programs;

(G) Standardization;

(H) Alternative Education Program;

(I) Special Education Program;

(J) Library Media Skills Instruction.

(4) Character Education. Character Education is the process of helping students develop and practice the core ethical values that our diverse society shares and holds important. These values include, but are not limited to, respect, responsibility, caring, trustworthiness, justice and fairness, and civic virtue and citizenship.

(5) Student Activities under the auspices of the secondary schools, which include the following:

(a) Student Government;

(b) Preparation of School Publications; e.g., newspaper, yearbook, literary magazine;

(c) Drama;

(d) Performing Music/Dance Groups;

(e) Interscholastic Athletics;

(f) Intramurals;

(g) Rally Squad/Dance Team/Flag Line;

(h) Competitive Speech and Debate;

(i) Instruction program-related clubs or organizations; e.g., Distributive Education Club of America, Future Business Leaders of America, Future Farmers of America, Home Economics Related Occupations, Vocational Industrial Clubs of America.

(6) International Understanding. International Understanding represents the knowledge, skills and attitudes needed to live effectively in a world possessing limited natural resources and characterized by ethnic diversity, cultural pluralism and an increased interdependence. Such knowledge, skills and attitudes are developed through broad exposure to international content in all subject areas and through learning a second language.

(7) Support Services Necessary to Provide a Standard Education for Oregon Students:

(a) Student Services:

(A) Improving attendance;

(B) Counseling;

(C) Providing health services;

(D) Treating speech and hearing impaired students;

(E) Providing library, audio/video, television and computer learning.

(b) Staff Services:

(A) Measuring student achievement;

(B) Developing curriculum and training staff.

(c) Administrative Services:

(A) Administering the district and individual schools;

(B) Planning, research, processing of data.

(d) Business Services:

(A) Budgeting, payroll, inventory, internal audit;

(B) Buying and storing of supplies;

(C) Printing.

(e) Transportation Services:

(A) Providing home-to-school transportation for both regular and special students;

(B) Transporting students to co-curricular activities.

(f) Food Services: Offering students nutritional lunches and breakfasts;

(g) Operation and Maintenance Services: Keeping buildings, equipment and grounds safe, working and in good condition.

Stat. Auth.: ORS 326.400, 326.410 & 336.067
Stats. Implemented: Statute Repealed
Hist.: EB 3-1991, f. & cert. ef. 2-28-91; EB 7-1993, f. & cert. ef. 2-11-93

Standards of Achievement for the Certificate of Initial Mastery

581-21-202 To earn a Certificate of Initial Mastery, a student must meet the following standards of achievement:

(1) Think Standard. A student must:

(a) Think Critically:

(A) Define a clear purpose or goal, with a statement of the problems or questions to be addressed, and identify relevant data or evidence;

(B) Examine the problems or questions from multiple perspectives;

(C) Consider information or evidence from multiple points of view or frames of reference (for example, historical, scientific, cultural, ethical, legal, political or metaphoric), recognizing assumptions and main concepts;

(D) Develop criteria to judge the adequacy or appropriateness of the strategy chosen to achieve the goal and determine if the conclusion, interpretation or result is defensible;

(E) Use accurate symbols, language, analogies and metaphors to communicate solutions to problems or questions, based on disciplined, well-reasoned thinking.

(b) Think Creatively:

(A) Demonstrate independent thought in

making interpretations and pursuing alternative strategies and solutions;

(B) Use experimentation, innovation or exploration in creating products or performances and consider alternative solutions and strategies.

(c) Think Reflectively:

(A) Analyze the frames of reference and underlying assumptions used to solve a problem or answer a question and evaluate their appropriateness;

(B) Monitor and modify critical and creative thinking skills used in different situations;

(C) Evaluate effectiveness of his or her thinking processes.

(2) Self-Directed Learning Standard. A student must:

(a) Initiate new goal-directed, purposeful learning experiences in a variety of learning areas;

(b) Set long-term goals;

(c) Set standards of accuracy, clarity and completeness and incorporate those into the final product;

(d) Make decisions regarding personal learning needs and act on those decisions;

(e) Exceed some of the basic expectations of the task or assignment;

(f) Be persistent, organized and manage time well;

(g) Utilize a variety of learning resources and technologies appropriately;

(h) Evaluate personal progress and make appropriate mid-course corrections;

(i) Analyze tasks and plan strategies for accomplishing them;

(j) Reflect on personal learning experience to improve understanding of growth and identify new learning areas and skills to improve.

(3) Communicate Standard. A student must:

(a) Read:

(A) Comprehend with evidence of literal, inferential and evaluative understanding;

(B) Extend beyond the text to other experiences, texts and issues in the world or the community at large;

(C) Evaluate material, draw conclusions and express opinions supported by textual evidence;

(D) Comprehend a variety of practical, informative and literary materials at a level appropriate to the Certificate of Initial Mastery.

(b) Write:

(A) Convey a clear, focused idea or message with relevant supporting details appropriate to the audience;

(B) Demonstrate competence in communicating in a broad range of modes (including persuasive, narrative, expository, imaginative and descriptive), forms (including essays, poems, stories, journals and letters) and styles (including informal, formal practical and technical);

(C) Demonstrate depth of independent thought;

(D) Demonstrate organization, sentence fluency and command of writing conventions, including spelling, grammar, usage, punctuation, paragraphing and capitalization;

(E) Use specific, precise words.

(c) Speak:

(A) Convey a clear, focused idea or message with relevant supporting details appropriate to the audience;

(B) Use language (i.e., vocabulary, conventional grammar, and usage), organization and presentation appropriate to the audience and purpose;

(C)Demonstrate competence in formal and informal forms and styles of speaking.

(c) Listen:

(A) Comprehend with evidence of literal, inferential and evaluative understanding;

(B) Evaluate messages, draw conclusions and respond with observations and supported opinions;

(C) Comprehend practical, informative and literary presentations.

(d) Symbols and Graphics:

(A) Convey content clearly and understandably to the intended audience;

(B) Communicate the intended meaning and purpose through design;

(C) Enhance the meaning and effectiveness of the presentation through visual forms.

(4) Technology Standard. A student must:

(a) Use appropriate available technology to produce a quality product, showing attention to detail;

(b) Show expertise with a variety of technological tools and applications, including word processing, information processing and information retrieval;

(c) Maintain and safely use technological tools;

(d) Use appropriate citations and adhere to copyright regulations.

(5) Quantify Standard. A student must:

(a) Translate the problem into appropriate mathematical concepts using pictures, models, diagrams; and/or symbols;

(b) Select and complete appropriate mathematical skills and strategies;

(c) Comment on the reasonableness of the solution and process;

(d) Complete accurate computations and/or models;

(e) Review the problem to verify or support first impressions;

(f) Use mathematical terminology precisely;

(g) Clearly display the reasoning throughout while presenting work in a logical and coherent manner;

(h) Apply the following concepts at a level appropriate to the Certificate of Initial Mastery:

(A) Algebra, graphs, patterns and other mathematical relationships;

(B) Geometry;

(C) Probability and statistics;

(D) Number sense;

(E) Measurement; and

(F) Mathematical operations and procedures.

(6) Collaborate Standard. A student must:

(a) Define and prioritize problems, issues, strategies and tasks within the group;

(b) Identify or agree to a process for resolving the issue or problem;

(c) Share resources and responsibilities such as information or workload;

(d) Manage time and show commitment to the task;

(e) Take a position and explain the rationale for that position;

(f) Use group process skills, including conflict management, paraphrasing opposing points of view, encouraging others to participate, summarizing or asking clarifying questions and reaching consensus;

(g) Assess achievement of goals throughout the process and evaluate the effectiveness or quality of the result;

(h) Perform the functions of various roles within the group;

(i) Establish commonalities and build trust within the group;

(j) Value and take steps to understand group members;

(k) Share opinions in a way that is heard and understood by others;

(l) Encourage listening and dialogue in the discussion, project or activity and monitor own behavior to promote achievement of group goals.

(7) Deliberate on Public Issues Standards. A student must:

(a) Show deliberation skills across a broad range of issues, including:

(A) Local, state, national, international and global issues;

(B) Historical, contemporary and future issues;

(C) Complex topics which can be viewed from various ethical, cultural, political, health, social, economic, ecological, and technological perspectives; and

(D) Application of democratic principles, including those embodies in the Constitution and the Bill of Rights, in action proposals relative to public policy issues involving the United States and its citizens. Such principles include rule of law, rights and responsibilities, liberty, justice, equality, due process, and civic participation.

(b) Clearly identify the issue;

(c) Present multiple perspectives on the issue;

(d) Use relevant and accurate information and concepts applicable to the issue;

(e) Analyze the issue using methods of inquiry from history, geography, economics, political science, and other relevant disciplines;

(f) Consider broad public interests;

(g) Take a position and/or propose relevant actions;

(h) Clarify the proposal or position and support with evidence;

(i) Identify long-term consequences of taking this position or proposing this issue.

(8) Diversity/Second Language Standard. A student must:

(a) Understand Diversity:

(A) Describe how diversity (i.e., differences based on race, socioeconomic status, ethnicity, culture, gender, age, ability, and other characteristics-tics) provides added value (strengths, assets, and resources) to individual lives and to society;

(B) Describe the major components of one's own and others' cultures with accurate documentation from illustrations, examples and anecdotes;

(C) Analyze historic and current issues involving diversity, showing an understanding of how individual perspectives and cultural patterns affect the way one thinks, feels, behaves, and interacts;

(D) Develop communication strategies that demonstrate awareness of cultural norms and individual differences and promote effective cross-cultural, intergroup, and interpersonal interactions;

(E) Apply appropriate cultural norms to promote resolution of potential areas of conflict and misperception;

(F) Demonstrate respect for others;

(G) Recognize personal misperceptions and stereotypical attitudes and how to overcome them in collaborative situations;

(H) Show understanding of diversity at the following levels:

(i) *Personal*, including knowledge of one's own culture, personal strengths and ability to solve a personal issue involving diversity;

(ii) *Community*, including knowledge of how institutions (such as media, schools, government) characterize diversity and ability to develop an action plan for solving a community problem and collaborate with a diverse group on a current issue;

(iii) *National*, including knowledge of United States history and heritage, the diverse cultural traditions and contributions of other peoples to that history and heritage and how the United States Constitution and state and federal laws affect individuals from diverse backgrounds;

(iv) *Global*, including knowledge of world cultures and diversity and ability to analyze world issues related to diversity and determine how factors that contribute to a current world situation can have a personal effect.

(b) Communicate in a Second Language:

(A For commonly taught languages, such as French, German, Spanish, and American sign language, read,* write,* speak and listen at an Intermediate Low level, based on the American Council on Teaching of Foreign Language proficiency scale;

(B) For less commonly taught languages, such Japanese and Russian, speak and listen at a Novice High level and read* and write* at a Novice Mid level, based on e American Council on Teaching of Foreign Language proficiency scale.

*In languages where applicable.

(9) Literature and the Arts Standard. A student must:

(a) Interpret works of literature and the visual arts and the performing arts by:

(A) Making connections among themes and human experiences;

(B) Applying artistic concepts and vocabulary accurately;

(C) Making and supporting judgements about a work's quality;

(D) Applying knowledge about a work's historical and cultural context.

(b) Create, improvise or perform in at least one area of the literary arts or visual arts or performing arts by:

(A) Producing work that can be comprehended by a broad audience;

(B) Applying technical skills appropriate to the artistic form, showing precision and attention to detail;

(C) Showing sustained effort and self-direction;

(D) Reflecting original thinking as evidenced in the background, process and self-reflections that led to the final product.

(10) Science and Mathematics Standard. A student must:

(a) Select and use appropriate science and mathematics concepts, processes, procedures and strategies;

(b) Analyze, verify and interpret information to reach logical and coherent results or conclusions;

(c) Include clear and relevant connections in interpreting the results;

(d) Communicate science and mathematics concepts, processes and reasoning used to reach results and conclusions;

(e) Match language, symbols and communication forms to the information presented and the intended audience.

(11) Health Standard. A student must:

(a) Present relevant health concepts and skills in an accurate and well-developed manner;

(b) Identify, clarify and analyze health issues and options using evidence from multiple sources and points of view;

(c) Present an action proposal that is clear, realistic, well-developed and likely to change behavior;

(d) Consider both short- and long-term consequences;

(e) Show understanding of and demonstrate skill in the following concepts:

(A) Healthy and fit human body;

(B) Controllable and preventable health risks for adolescents and adults;

(C) Safe and healthy environments;

(D) Informed use of health-related products and services;

(E) Health interpersonal relationships as an adolescent and adult;

(F) Tobacco, alcohol and other drug issues;

(G) HIV/AIDS (within provisions of ORS 336.035)

Stat. Auth.: ORS 329.465
Stats. Implemented: ORS
Hist.: EB 5-1995, f. & cert.e f. 1-24-95

Evaluating Student Transcripts

581-21-210 When evaluating student transcripts, the school district shall:

(1) Accept credits and attendance completed in standard Oregon schools as if they had been earned in the enrolling district;

(2) For out-of-state transfer students, accept credits and attendance completed in standard secondary schools as if the requirements had been completed in this state;

(3) For students from private, alternative, or nonstandard public secondary schools:

(a) Determine the value of prior credits; and

(b) Determine the number of years of school attendance or equivalent.

(4) Determine placement for students enrolled in Grades K/1 through 8;

(5) Determine the value of credits obtained through correspondence courses in meeting the graduation requirements; and

(6) Determine the value of credits obtained in approved community college programs in meeting graduation requirements.

Stat. Auth.: ORS 326.565
Stats. Implemented: ORS 326.565
Hist.: EB 31-1993(Temp), f. 10-6-93, cert. ef. 11-6-93; EB 5-1994, f. & cert. ef. 4-29-94

[**ED. NOTE:** The text of Temporary Rules is not printed in the Oregon Administrative Rules Compilation. Copies may be obtained from the adopting agency or the Secretary of State.]

Definitions

581-21-220 As used in OAR 581-21-220 through 581-21-440, the following definitions apply:

(1) "Attendance" includes, but is not limited to:

(a) Attendance in person or by correspondence; and

(b) The period during which a person is working under a work-study program.

(2) "Directory Information" means those items of personally identifiable information contained in an education record of a student which would not generally be considered harmful or an invasion of privacy if disclosed. Directory information may include, and is not limited to, the student's name, address, telephone listing, photograph, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent previous educational agency or institution attended.

(3) "Disclosure" means to permit access to or the release, transfer, or other communication of education records, or the personally identifiable information contained in those records, to any party, by any means, including oral, written, or electronic means.

(4) "Disciplinary action or proceeding" means the investigation, adjudication, or imposition of sanctions by an educational agency or institution with respect to an infraction or violation of the internal rules of conduct applicable to students of the agency or institution.

(5) "Educational Agency or Institution" means any public or private school, education service district, state institution, private agency or youth care center providing educational services to students birth through age 21, and through Grade 12, that receives federal or state funds either directly or by contract or subcontract with the Department under any program administered by the U.S. Secretary of Education or the Department. "Educational agency or institution" does not include those programs specifically excluded under **34 CFR § 99.1, Table 99-A**.

(6) "Education Records":

(a) The term means those records that are directly related to a student and maintained by an educational agency or institution or by a party acting for the agency or institution;

(b) The term does not include:

(A) Records of instructional, supervisory, and administrative personnel and educational personnel ancillary to those persons that are kept in the sole possession of the maker of the record, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record;

(B) Records of the law enforcement unit of an educational agency or institution, subject to the provisions of OAR 581-21-225.

(C) Records relating to an individual who is employed by an educational agency or institution, that are made and maintained in the normal course of business, that relate exclusively to the individual in that individual's capacity as an employee and that are not available for use for any other purpose. Records relating to an individual in attendance at the agency or institution who is employed as a result of his or her status as a student are

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education records and not excepted under this subsection;

(D) Records on a student who is 18 years of age or older, or is attending an institution of postsecondary education, that are:

(i) Made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional capacity or assisting in a paraprofessional capacity;

(ii) Made, maintained, or used only in connection with treatment of the student; and

(iii) Disclosed only to individuals providing the treatment. For the purpose of this definition, "treatment" does not include remedial educational activities or activities that are part of the program of instruction at the agency or institution;

(E) Records that only contain information relating to activities in which an individual engaged after he or she is no longer a student at that agency or institution;

(F) Medical or nursing records which are made or maintained separately and solely by a licensed health care professional who is not employed by the educational agency or institution, and which are not used for education purposes of planning.

(7) "Eligible Student" means a student who has reached 18 years of age, or a student who is attending only an institution of postsecondary education and is not enrolled in a secondary school.

(8) "Institution of Postsecondary Education" means an institution that provides education to students beyond the secondary school level; "secondary school level" means the educational level (not beyond Grade 12) at which secondary education is provided.

(9) "Parent" means a parent of a student and includes a natural parent, a guardian, an individual authorized in writing to act as a parent in the absence of a parent or a guardian, or a surrogate parent appointed to represent a student with disabilities. The term does not include the state if the child is a ward of the state and the student is eligible for special education services or is suspected of being eligible for special education services under state and federal law.

(10) "Party" means an individual, agency, institution, or organization.

(11) "Personally Identifiable Information" includes, but is not limited to:

(a) The student's name;

(b) The name of the student's parent or other family member;

(c) The address of the student or student's family;

(d) A personal identifier, such as the student's social security number or student number;

(e) A list of personal characteristics that would make the student's identity easily traceable; and

(f) Other information that would make the student's identity easily traceable.

(12) "Record" means any information recorded in any way including, but not limited to, handwriting, print, tape, film, microfilm and microfiche.

(13) "Student" means any individual who is or has been in attendance at an educational agency or institution and regarding whom the agency or institution maintains education records.

[Publications: The publication(s) referred to or incorporated by reference in this rule are available from the Department of Education.]

Stat. Auth.: ORS 326.565 & 34 CFR § 99.3
Stats. Implemented: ORS 326.565
Hist.: EB 31-1993(Temp), f. 10-6-93, cert. ef. 11-6-93; EB 5-1994, f. & cert. ef. 4-29-94; EB 20-1995, f. & cert. ef. 7-25-95

[ED. NOTE: The text of Temporary Rules is not printed in the Oregon Administrative Rules Compilation. Copies may be obtained from the adopting agency or the Secretary of State.]

Records of Law Enforcement Units

581-21-225 (1) "Law enforcement unit" means any individual, office, department, division, or other component of an educational agency or institution, such as a unit of commissioned police officers or noncommissioned security guards, that is officially authorized or designated by that agency or institution to:

(a) Enforce any local, state, or federal law, or refer to appropriate authorities a matter for enforcement of any local, state, or federal law against any individual or organization other than the agency or institution itself; or

(b) Maintain the physical security and safety of the agency or institution.

(2) A component of an educational agency or institution does not lose its status as a law enforcement unit if it also performs other, nonlaw enforcement functions for the agency or institution, including investigation of incidents or conduct that constitutes or leads to a disciplinary action or proceedings against the student.

(3) Records of a law enforcement unit means those records, files, documents, and other materials that are:

(a) Created by a law enforcement unit;

(b) Created for a law enforcement purpose; and

(c) Maintained by the law enforcement unit.

(4) Records of a law enforcement unit does not mean:

(a) Records created by a law enforcement unit for a law enforcement purpose that are maintained by a component of the educational agency or institution other than the law enforcement unit; or

(b) Records created and maintained by a a law enforcement unit exclusively for a nonlaw enforcement purpose, such as a disciplinary action or proceeding conducted by the educational agency or institution.

(5) Nothing in this rule prohibits an educational agency or institution from contacting its law enforcement unit, orally or in writing, for the purpose of asking that unit to investigate a possible violation of, or to enforce, any local, state, or federal law.

(6) Education records, and personally identifiable information contained in education records, do not lose their status as education records and remain subject to the Act, including the disclosure provisions of OAR 581-21-330, while in the possession of the law enforcement unit.

(7) This rule neither requires nor prohibits the disclosure by an educational agency or institution of its law enforcement unit records.

Stat. Auth.: ORS 326.565 & 34 CFR § 99.8

Stats. Implemented: ORS
Hist.: EB 20-1995, f. & cert. ef. 7-25-95

The Rights of Parents

581-21-230 An educational agency or institution shall give full rights under OAR 581-21-220 through 581-21-420 to either parent, unless the agency or institution has been provided with evidence that there is a court order, state statute, or legally binding document relating to such matters as divorce, separation, or custody that specifically revokes these rights.

Stat. Auth.: ORS 326.565 & 34 CFR § 99.4
Stats. Implemented: ORS 326.565
Hist.: EB 31-1993(Temp), f. 10-6-93, cert. ef. 11-6-93; EB 5-1994, f. & cert. ef. 4-29-94

[**ED. NOTE:** The text of Temporary Rules is not printed in the Oregon Administrative Rules Compilation. Copies may be obtained from the adopting agency or the Secretary of State.]

The Rights of Eligible Students

581-21-240 When a student becomes an eligible student, the rights accorded to, and consent required of, parents under OAR 581-21-220 through 581-21-420 transfer from the parents to the student. Nothing prevents educational agencies or institutions from giving students rights in addition to those given to parents.

Stat. Auth.: ORS 326.565 & 34 CFR § 99.5
Stats. Implemented: ORS 326.565
Hist.: EB 31-1993(Temp), f. 10-6-93, cert. ef. 11-6-93; EB 5-1994, f. & cert. ef. 4-29-94

[**ED. NOTE:** The text of Temporary Rules is not printed in the Oregon Administrative Rules Compilation. Copies may be obtained from the adopting agency or the Secretary of State.]

An Educational Agency or Institution's Policy

581-21-250 (1) Each educational agency or institution shall adopt a policy regarding how the agency or institution meets the requirements of OAR 581-21-220 through 581-21-430. The policy shall include:

(a) A description of how the agency or institution annually informs parents and students of their rights, in accordance with OAR 581-21-260;

(b) A description of how a parent or eligible student may inspect and review education records under OAR 581-21-270, including at least:

(A) The procedure the parent or eligible student must follow to inspect and review the records;

(B) A description of the circumstances in which the agency or institution believes it has a legitimate cause to deny a request for a copy of those records, with an understanding that it may not deny access to education records;

(C) A schedule of fees (if any) to be charged for copies; and

(D) A list of the types and locations of education records maintained by the agency or institution, and the titles and addresses of the officials responsible for the records.

(c) A statement that personally identifiable information will not be released from an education record without the prior written consent of the parent or eligible student, except under one or more of the conditions described in OAR 581-21-340;

(d) A statement indicating whether the educational agency or institution has a policy of disclosing personally identifiable information under OAR 581-21-340(1), and, if so, a specification of the criteria for determining which parties are school officials and what the agency or institution considers to be a legitimate educational interest. With respect to students with disabilities, each educational agency or institution shall maintain, for public inspection, a current listing of the names and positions of those employees within the agency who have access to personally identifiable information;

(e) A statement that a record of disclosures will be maintained as required by OAR 581-21-400, and that a parent or eligible student may inspect and review that record;

(f) Specification by the educational agency or institution of the types of personally identifiable information the agency or institution has designated as directory information under OAR 581-21-390;

(g) A statement that the agency or institution permits a parent or eligible student to request correction of the student's education records under OAR 581-21-300, to obtain a hearing under OAR 581-21-310(1), and to add a statement to the record under OAR 581-21-310(3);

(h) A statement that the educational agency or institution annually notifies parents and eligible students of their rights to review and propose amendments to the student's education records;

(i) A statement that the educational agency or institution maintains a permanent record on each student which includes the:

(A) Name and address of the educational agency or institution;

(B) Full legal name of the student;

(C) Student's birth date and place of birth;

(D) Name of parents/guardians;

(E) Date of entry into the school;

(F) Name of school previously attended;

(G) Subjects taken;

(H) Marks received;

(I) Credits earned;

(J) Attendance;

(K) Date of withdrawal from school;

(L) Social security number, subject to subsection (j) of this section; and

(M) Such additional information as the educational agency or institution may prescribe;

(j) A statement that the educational agency or institution will request the social security number of a student and will include the social security number on the permanent student record only if the parent or eligible student complies with the request. The request shall include notification to the parent or eligible student that the provision of the social security number is voluntary and notification of the purposes for which the social security number will be used;

(k) A statement that the educational agency or institution provides for the retention of permanent records in a minimum one-hour fire-safe place in the educational agency or institution, or for keeping duplicate permanent records in a safe depository outside the building;

(l) A statement that within ten days of a student seeking enrollment in or services from a public or private school including an ESD, or when a student is placed in a state institution other than an institution of postsecondary education, a private agency or youth care center (hereinafter referred to as the new educational agency), the new educational agency shall notify the public or private school, education service district, institution, agency, or youth care center in which the student was formerly enrolled (hereinafter referred to as the former educational agency), and shall request the student's education records;

(m) A statement that, subject to ORS 339.260, the former educational agency shall transfer all requested student education records relating to the particular student to the new educational agency no later than 10 days after receipt of the request;

(n) A statement that the education records transferred to the new educational agency shall include any education records relating to the particular student retained by an education service district;

(o) A statement that the former educational agency shall retain a copy of the education records that are to be transferred pursuant to subsection (1)(q) of this rule;

(p) A statement that the educational agency or institution has a policy of disclosing personally identifiable information from an education record to an ESD, state regional program, or other educational agency or institution that has requested the records and in which the student seeks or intends to enroll or is enrolled or receives services from. The term "receives services" includes, but is not limited to, an evaluation or re-evaluation for purposes of determining whether a student has a disability; and

(q) Provision that copies of education records shall be retained according to the following minimum periods of time:

(A) Permanent: Student permanent records as defined in subsection (1)(i) of this rule;

(B) Five years following the school year in which the records were created: All records that show compliance with all federal program requirements;

(C) Three years following the school year in which the records were created: All other records, except minor referrals and supporting materials as described below;

(D) Until school year ends: minor behavior referrals from staff, records of conversations, parent notes regarding student behavior, written behavioral agreements between the student and school, detention records, bus citations, and other written descriptions of minor behavioral infractions which will not result in the identification of a student for special education services or the suspension or expulsion of the student.

(2) For purposes of subsection (1)(l) of this rule:

(a) "Private agency" means an agency with which the Department of Education contracts under ORS 343.961; and

(b) "Youth care center" means a center as defined in ORS 420.855.

(3) The educational agency or institution shall state the policy in writing and make a copy of it available on request to a parent or eligible student.

Stat. Auth.: ORS 326.565 & 34 CFR § 99.6
Stats. Implemented: ORS 326.565 & 326.575
Hist.: EB 31-1993(Temp), f. 10-6-93, cert. ef. 11-6-93; EB 5-1994, f. & cert. ef. 4-29-94; EB 20-1995, f. & cert. ef. 7-25-95

[ED. NOTE: The text of Temporary Rules is not printed in the Oregon Administrative Rules Compilation. Copies may be obtained from the adopting agency or the Secretary of State.]

An Educational Agency or Institution's Annual Notification

581-21-260 (1) Each educational agency or institution shall annually notify parents of students currently in attendance, and eligible students currently in attendance, at the agency or institution of their rights under OAR 581-21-220 through 581-21-440. The notice must include a statement that the parent or eligible student has a right to:

(a) Inspect and review the student's education records;

(b) Request the amendment of the student's education records to ensure that they are not inaccurate, misleading, or otherwise in violation of the student's privacy or other rights;

(c) Consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that these rules authorize disclosure without consent;

(d) Pursuant to OAR 581-21-410, file with the U.S. Department of Education a complaint under **34 CFR § 99.64** concerning alleged failures by the agency or institution to comply with the requirements of the Family Educational Rights and Privacy Act; and

(e) Obtain a copy of the policy adopted under OAR 581-21-250.

(2) Each educational agency or institution shall annually notify parents and eligible students of what it considers to be directory information and the conditions for disclosure of such information as provided in OAR 581-21-390.

(3) Each educational agency or institution shall annually notify parents or eligible students that it forwards education records requested under OAR 581-21-250(1)(m) and (p) within 10 days of receiving the request.

(4) The notice provided under section (1) of this rule must also indicate the places where copies of the policy adopted under OAR 581-21-250 are located.

(5) An educational agency or institution may provide this notice by any means that are reasonably likely to inform the parents and eligible students of their rights;

(6) An agency or institution of elementary or secondary education shall effectively notify parents of students who have a primary or home language other than English.

[Publications: The publication(s) referred to or incorporated by reference in this rule are available from the Department of Education.]

Stat. Auth.: ORS 326.565 & 34 CFR § 99.7
Stats. Implemented: ORS 326.565
Hist.: EB 31-1993(Temp), f. 10-6-93, cert. ef. 11-6-93; EB 5-1994, f. & cert. ef. 4-29-94; EB 20-1995, f. & cert. ef. 7-25-95

[ED. NOTE: The text of Temporary Rules is not printed in the Oregon Administrative Rules Compilation. Copies may be obtained from the adopting agency or the Secretary of State.]

Rights of Inspection and Review of Education Records

581-21-270 (1) Except as limited under OAR 581-21-290, each educational agency or institution shall permit a parent, an eligible student, or a representative of a parent if authorized in writing by the parent, to inspect and review the education records of the student.

(2) The educational agency or institution shall comply with a request for access to records within a reasonable period of time, but in no case more than 45 days after it has received the request.

(3) The educational agency or institution shall respond to the reasonable requests for explanations and interpretations of the records.

(4) If a parent or an eligible student so requests, the educational agency or institution shall give the parent or eligible student a copy of the student's education records pursuant to ORS 192.440, except that no copy of test protocols, test questions and answers, and other documents described in ORS 192.501(4) shall be provided unless authorized by federal law.

(5) The educational agency or institution shall not destroy any education records if there is an outstanding request to inspect and review the records under this rule.

(6) While an education agency or institution is not required to give an eligible student access to treatment records under the definition of "education records" in OAR 581-21-220(6)(b)(D), the student may, at his or her expense, have those records reviewed by a physician or other appropriate professional of the student's choice.

Stat. Auth.: ORS 192.440, 192.501(4), 326.565 & 34 CFR § 99.10
Stats. Implemented: ORS 326.565
Hist.: EB 31-1993(Temp), f. 10-6-93, cert. ef. 11-6-93; EB 5-1994, f. & cert. ef. 4-29-94; EB 20-1995, f. & cert. ef. 7-25-95

[**ED. NOTE:** The text of Temporary Rules is not printed in the Oregon Administrative Rules Compilation. Copies may be obtained from the adopting agency or the Secretary of State.]

Fees for Copies of Education Records

581-21-280 (1) Student records are public records under ORS 192.410 through 192.505 but are exempt from disclosure except as authorized by OAR 581-21-220 through 581-21-440.

(2) Unless the imposition of a fee effectively prevents a parent or eligible student from exercising the right to inspect and review the student's education records, an educational agency or institution may charge a fee for a copy of an educational record which is made for the parent or eligible student subject to section (3) of this rule.

(3) Notwithstanding ORS 192.440(3), an educational agency or institution may not charge a fee to search for or to retrieve the education records of a student.

Stat. Auth.: ORS 192.410 - 192.505, 326.565 & 34 CFR § 99.11
Stats. Implemented: ORS 326.565
Hist.: EB 31-1993(Temp), f. 10-6-93, cert. ef. 11-6-93; EB 5-1994, f. & cert. ef. 4-29-94

[**ED. NOTE:** The text of Temporary Rules is not printed in the Oregon Administrative Rules Compilation. Copies may be obtained from the adopting agency or the Secretary of State.]

Limitations on the Right to Inspect and Review Records

581-21-290 If the education records of a student contain information on more than one student, the parent or eligible student may inspect, review, or be informed of only the specific information about that student.

Stat. Auth.: ORS 326.565 & 34 CFR § 99.12
Stats. Implemented: ORS 326.565
Hist.: EB 31-1993(Temp), f. 10-6-93, cert. ef. 11-6-93; EB 5-1994, f. & cert. ef. 4-29-94

[**ED. NOTE:** The text of Temporary Rules is not printed in the Oregon Administrative Rules Compilation. Copies may be obtained from the adopting agency or the Secretary of State.]

A Parent or Eligible Student's Request for Amendment of a Student's Education Records

581-21-300 (1) If a parent or eligible student believes the education records relating to the student contain information that is inaccurate, misleading, or in violation of the student's rights of privacy or other rights, he or she may ask the educational agency or institution to amend the record.

(2) The education agency or institution shall decide whether to amend the record as requested within a reasonable time after the agency or institution receives the request.

(3) If the educational agency or institution decides not to amend the record as requested, it shall inform the parent or eligible student of its decision and of his or her right to a hearing under OAR 581-21-310.

Stat. Auth.: ORS 326.565 & 34 CFR § 99.20
Stats. Implemented: ORS 326.565
Hist.: EB 31-1993(Temp), f. 10-6-93, cert. ef. 11-6-93; EB 5-1994, f. & cert. ef. 4-29-94

[**ED. NOTE:** The text of Temporary Rules is not printed in the Oregon Administrative Rules Compilation. Copies may be obtained from the adopting agency or the Secretary of State.]

Right to a Hearing to Challenge Content

581-21-310 (1) An educational agency or institution shall give a parent or eligible student, on request, an opportunity for a hearing to challenge the content of the student's education records on the grounds that the information contained in the education records is inaccurate, misleading, or in violation of the privacy or other rights of the student.

(2) If, as a result of the hearing, the educational agency or institution decides that the information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, it shall:

(a) Amend the record accordingly; and

(b) Inform the parent or eligible student of the amendment in writing.

(3) If, as a result of the hearing, the educational agency or institution decides that the information in the education record is not inaccurate, misleading, or otherwise in violation of the privacy

or other rights of the student, it shall inform the parent or eligible student of the right to place a statement in the record commenting on the contested information in the record or stating why he or she disagrees with the decision of the educational agency or institution, or both.

(4) If an educational agency or institution places a statement in the education records of a student under section (3) of this rule, the agency or institution shall:

(a) Maintain the statement with the contested part of the record for as long as the record is maintained; and

(b) Disclose the statement whenever it discloses the portion of the record to which the statement relates.

Stat. Auth.: ORS 326.565 & 34 CFR § 99.21
Stats. Implemented: ORS 326.565
Hist.: EB 31-1993(Temp), f. 10-6-93, cert. ef. 11-6-93; EB 5-1994, f. & cert. ef. 4-29-94

[ED. NOTE: The text of Temporary Rules is not printed in the Oregon Administrative Rules Compilation. Copies may be obtained from the adopting agency or the Secretary of State.]

Minimum Requirements for the Conduct of a Hearing

581-21-320 The hearing required by OAR 581-21-310 must meet at a minimum the following requirements:

(1) The educational agency or institution shall hold the hearing within a reasonable time after it has received the request for the hearing from the parent or eligible student.

(2) The educational agency or institution shall give the parent or eligible student notice of the date, time, and place, reasonably in advance of the hearing.

(3) The hearing may be conducted by any individual, including an official of the educational agency or institution, who does not have a direct interest in the outcome of the hearing.

(4) The educational agency or institution shall give the parent or eligible student a full and fair opportunity to present evidence relevant to the issues raised under OAR 581-21-310. The parent or eligible student may, at their own expense, be assisted or represented by one or more individuals of his or her own choice, including an attorney.

(5) The educational agency or institution shall make its decision in writing within a reasonable period of time after the hearing.

(6) The decision must be based solely on the evidence presented at the hearing, and must include a summary of the evidence and the reasons for the decision.

Stat. Auth.: ORS 326.565 & 34 CFR § 99.22
Stats. Implemented: ORS 326.565
Hist.: EB 31-1993(Temp), f. 10-6-93, cert. ef. 11-6-93; EB 5-1994, f. & cert. ef. 4-29-94

[ED. NOTE: The text of Temporary Rules is not printed in the Oregon Administrative Rules Compilation. Copies may be obtained from the adopting agency or the Secretary of State.]

Prior Consent to Disclose Information

581-21-330 (1) The parent or eligible student shall provide a signed and dated written consent before an educational agency or institution discloses personally identifiable information from the student's education records, except as provided in OAR 581-21-340.

(2) The written consent must:

(a) Specify the records that may be disclosed;

(b) State the purpose of the disclosure; and

(c) Identify the party or class of parties to whom the disclosure may be made.

(3) When a disclosure is made under section (1) of this rule:

(a) If a parent or eligible student so requests, the educational agency or institution shall provide him or her with a copy of the records disclosed; and

(b) If the parent of a student who is not an eligible student so requests, the agency or institution shall provide the student with a copy of the records disclosed.

Stat. Auth.: ORS 326.565 & 34 CFR § 99.30
Stats. Implemented: ORS 326.565
Hist.: EB 31-1993(Temp), f. 10-6-93, cert. ef. 11-6-93; EB 5-1994, f. & cert. ef. 4-29-94; EB 20-1995, f. & cert. ef. 7-25-95

[ED. NOTE: The text of Temporary Rules is not printed in the Oregon Administrative Rules Compilation. Copies may be obtained from the adopting agency or the Secretary of State.]

Exceptions to Prior Consent

581-21-340 With the exception of sections (5) and (10) of this rule, an educational agency or institution shall disclose personally identifiable information from an education record of a student without the consent required by OAR 581-21-330 if the disclosure meets one or more of the following conditions:

(1) The disclosure is to school board members during executive session pursuant to ORS 332.061, or to other school officials and teachers within the educational agency whom the agency or institution has determined to have legitimate educational interests.

(2) The disclosure is to officials of another school, school system, institution of postsecondary education, education service district, state regional program, or other educational agency that has requested the records and in which the student seeks or intends to enroll, or is enrolled in or receives services from the other agency or institution. The term "receives services" includes, but is not limited to, an evaluation or re-evaluation for purposes of determining whether a student has a disability.

(3) The disclosure is, subject to the requirements of OAR 581-21-370, to authorized representatives of:

(a) The Comptroller General of the United States;

(b) The Secretary of the U.S. Department of Education;

(c) State and local educational authorities; or

(d) The Oregon Secretary of State's Audit Division.

(4) The disclosure is in connection with financial aid for which the student has applied or which the student has received, if the information is necessary for such purposes as to:

(a) Determine eligibility for the aid;

(b) Determine the amount of the aid;

(c) Determine the conditions for the aid; or

(d) Enforce the terms and conditions of the aid;

(e) As used in this section, "financial aid" means a payment of funds provided to an individual (or a payment in king of tangible or intangible property to the individual) that is conditioned on the individual's attendance at an education agency or institution.

(5)(a) The disclosure is to organizations conducting studies for, or on behalf of, educational agencies or institutions to:

(A) Develop, validate, or administer predictive tests;

(B) Administer student aid programs; or

(C) Improve instruction.

(b) The agency or institution may disclose information under this section only if:

(A) The study is conducted in a manner that does not permit personal identification of parents and students by individuals other than representatives of the organization; and

(B) The information is destroyed when no longer needed for the purposes for which the study was conducted.

(c) For the purposes of this section, the term "organization" includes, but is not limited to, federal, state and local agencies, and independent organizations.

(6) The disclosure is to accrediting organizations to carry out their accrediting functions.

(7) The disclosure is to parents of a dependent student, as defined in **Section 152** of the **Internal Revenue Code of 1986**.

(8) The disclosure is to comply with a judicial order or lawfully issued subpoena. The educational agency or institution may disclose information under this section only if the agency or institution makes a reasonable effort to notify the parent or eligible student of the order or subpoena in advance of compliance.

(9) The disclosure is in connection with a health or safety emergency, under the conditions described in OAR 581-21-380.

(10) The disclosure is information the educational agency or institution has designated as "directory information", under the conditions described in OAR 581-21-390.

(11) The disclosure is to the parent of a student who is not an eligible student or to an eligible student.

[**Publications:** The publication(s) referred to or incorporated by reference in this rule are available from the Department of Education.]

Stat. Auth.: ORS 326.565 & 34 CFR § 99.31
Stats. Implemented: ORS 326.565
Hist.: EB 31-1993(Temp), f. 10-6-93, cert. ef. 11-6-93; EB 5-1994, f. & cert. ef. 4-29-94; EB 20-1995, f. & cert. ef. 7-25-95

[**ED. NOTE:** The text of Temporary Rules is not printed in the Oregon Administrative Rules Compilation. Copies may be obtained from the adopting agency or the Secretary of State.]

Limitations on the Redisclosure of Information

581-21-350 (1) An educational agency or institution may disclose personally identifiable information from an education record only on the condition that the party to whom the information is disclosed will not disclose the information to any other party without the prior consent of the parent or eligible student. The officers, employees, and agents of a party that receives information under this section may use the information, but only for the purposes for which the disclosure was made.

(2) Section (1) of this rule does not prevent an educational agency or institution from disclosing personally identifiable information with the understanding that the party receiving the information may make further disclosures of the information on behalf of the educational agency or institution if:

(a) The disclosures meets the requirements of OAR 581-21-340; and

(b) The educational agency or institution has complied with the requirements in OAR 581-21-400(2).

(3) Section (1) of this rule does not apply to disclosures of directory information under OAR 581-21-340(10) or to disclosures to a parent or student under OAR 581-21-340(11).

(4) Except for disclosures under OAR 581-21-340(10) and (11), an educational agency or institution shall inform a party to whom disclosure is made of the requirements of this rule.

Stat. Auth.: ORS 326.565 & 34 CFR § 99.33
Stats. Implemented: ORS 326.565
Hist.: EB 31-1993(Temp), f. 10-6-93, cert. ef. 11-6-93; EB 5-1994, f. & cert. ef. 4-29-94

[**ED. NOTE:** The text of Temporary Rules is not printed in the Oregon Administrative Rules Compilation. Copies may be obtained from the adopting agency or the Secretary of State.]

Conditions for the Disclosure of Information to Other Educational Agencies or Institutions

581-21-360 (1) An educational agency or institution that discloses an education record under OAR 581-21-340(2) shall:

(a) Annually notify parents or eligible students that it forwards education records requested under OAR 581-21-250(1)(m) and (p) within 10 days of receiving the request;

(b) Give the parent or eligible student, upon request, a copy of the record that was disclosed; and

(c) Give the parent or eligible student, upon request, an opportunity for a hearing.

(2) An educational agency or institution may disclose an education record of a student in attendance to another educational agency or institution if:

(a) The student is enrolled in or receives services from the other agency or institution; and

(b) The disclosure meets the requirements of section (1) of this rule.

Stat. Auth.: ORS 326.565 & 34 CFR § 99.34
Stats. Implemented: ORS 326.565
Hist.: EB 31-1993(Temp), f. 10-6-93, cert. ef. 11-6-93; EB 5-1994, f. & cert. ef. 4-29-94; EB 20-1995, f. & cert. ef. 7-25-95

[**ED. NOTE:** The text of Temporary Rules is not printed in the Oregon Administrative Rules Compilation. Copies may be obtained from the adopting agency or the Secretary of State.]

Conditions for the Disclosure of Information for Federal or State Program Purposes

581-21-370 (1) The officials listed in OAR 581-21-340(3) shall have access to education records in

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connection with an audit or evaluation of federal or state supported education programs, or for the enforcement of or compliance with federal or state legal requirements which relate to those programs.

(2) Information that is collected under section (1) of this rule must:

(a) Be protected in a manner that does not permit personal identification of individuals by anyone except the officials referred to in section (1) of this rule; and

(b) Be destroyed when no longer needed for the purposes listed in section (1) of this rule.

(3) Section (2) of this rule does not apply if:

(a) The parent or eligible student has given written consent for the disclosure under OAR 581-21-330; or

(b) The collection of personally identifiable information is specifically authorized by state or federal law.

Stat. Auth.: ORS 326.565 & 34 CFR § 99.35
Stats. Implemented: ORS 326.565
Hist.: EB 31-1993(Temp), f. 10-6-93, cert. ef. 11-6-93; EB 5-1994, f. & cert. ef. 4-29-94

[**ED. NOTE:** The text of Temporary Rules is not printed in the Oregon Administrative Rules Compilation. Copies may be obtained from the adopting agency or the Secretary of State.]

Conditions for the Disclosure of Information in Health and Safety Emergencies

581-21-380 (1) An educational agency or institution shall disclose personally identifiable information from an education record to law enforcement, child protective services, and health care professionals, and other appropriate parties in connection with a health and safety emergency if knowledge of the information is necessary to protect the health and safety of the student or other individuals.

(2) As used in this rule, a "health or safety emergency" includes, but is not limited to, law enforcement efforts to locate a child who may be a victim of kidnap, abduction, or custodial interference and law enforcement or child protective services efforts to respond to a report of child abuse or neglect pursuant to ORS 418.750 to 418.760.

(3) Sections (1) and (2) of this rule shall be strictly construed.

Stat. Auth.: ORS 326.565, 336.187 & 34 CFR § 99.36
Stats. Implemented: ORS 336.187 & 326.565
Hist.: EB 31-1993(Temp), f. 10-6-93, cert. ef. 11-6-93; EB 5-1994, f. & cert. ef. 4-29-94

[**ED. NOTE:** The text of Temporary Rules is not printed in the Oregon Administrative Rules Compilation. Copies may be obtained from the adopting agency or the Secretary of State.]

Conditions for the Disclosure of Directory Information

581-21-390 (1) An educational agency or institution may disclose directory information if it has given annual public notice to parents of students in attendance and eligible students in attendance at the educational agency or institution of:

(a) The types of personally identifiable information that the educational agency or institution has designated as directory information;

(b) A parent or eligible student's right to refuse to let the educational agency or institution designate any or all of those types of information about the student as directory information; and

(c) The period of time within which a parent or eligible student has to notify the educational agency or institution in writing that he or she does not want any or all of those types of information about the student designated as directory information.

(2) An educational agency or institution may disclose directory information about former students without meeting the conditions in section (1) of this rule.

Stat. Auth.: ORS 326.565 & 34 CFR § 99.37
Stats. Implemented: ORS 326.565
Hist.: EB 31-1993(Temp), f. 10-6-93, cert. ef. 11-6-93; EB 5-1994, f. & cert. ef. 4-29-94; EB 20-1995, f. & cert. ef. 7-25-95

[**ED. NOTE:** The text of Temporary Rules is not printed in the Oregon Administrative Rules Compilation. Copies may be obtained from the adopting agency or the Secretary of State.]

Recordkeeping Requirements

581-21-400 (1) An educational agency or institution shall maintain a record of each request for access to and each disclosure of personally identifiable information from the education records of each student:

(a) The agency or institution shall maintain the record with the education records of the student as long as the records are maintained;

(b) For each request or disclosure the record must include:

(A) The parties who have requested or received personally identifiable information from the education records;

(B) The date access was given; and

(C) The legitimate interests the parties had in requesting or obtaining the information.

(2) If an educational agency or institution discloses personally identifiable information from an education record with the understanding authorized under OAR 581-21-350(2), the record of disclosure required under this section must include:

(a) The names of the additional parties to which the receiving party may disclose the information on behalf of the educational agency or institution; and

(b) The legitimate interests under OAR 581-21-340 which each of the additional parties has in requesting or obtaining the information.

(3) The following parties may inspect the record relating to each student:

(a) The parent or eligible student;

(b) The school official or his or her assistants who are responsible for the custody of the records;

(c) Those parties authorized in OAR 581-21-340(1) and (3) for the purposes of auditing the recordkeeping procedures of the educational agency or institution.

(4) Section (1) of this rule does not apply if the request was from or the disclosure was to:

(a) The parent or eligible student;

(b) A school official under OAR 581-21-340(1);

(c) A party with written consent from the parent or eligible student; or

(d) A party seeking directory information.

Stat. Auth.: ORS 326.565 & 34 CFR § 99.32

Stats. Implemented: ORS 326.565
Hist.: EB 31-1993(Temp), f. 10-6-93, cert. ef. 11-6-93; EB 5-1994, f. & cert. ef. 4-29-94

[ED. NOTE: The text of Temporary Rules is not printed in the Oregon Administrative Rules Compilation. Copies may be obtained from the adopting agency or the Secretary of State.]

Filing a Federal Complaint

581-21-410 (1) A person may file a written complaint with the Family Policy Compliance Office, U.S. Department of Education, regarding an alleged violation under the Family Educational Rights and Privacy Act. The office's address is: Family Policy Compliance Office, U.S. Department of Education, Washington, D.C. 20202.

(2) A timely complaint under section (1) of this rule is defined as an allegation of a violation of the Family Educational Rights and Privacy Act that is submitted to the Family Policy Compliance Office within 180 days of the date of the alleged violation or of the date that the complainant knew or reasonable should have know of the alleged violation.

(3) The Family Policy Compliance Office extends the time limit in section (2) of this rule if the complainant shows that he or she was prevented by circumstances beyond the complainant's control from submitting the matter within the time limit, or for other reasons considered sufficient by the Family Policy Compliance Office.

Stat. Auth.: ORS 326.565 & 34 CFR § 99.63 & 99.64
Stats. Implemented: ORS 326.565
Hist.: EB 31-1993(Temp), f. 10-6-93, cert. ef. 11-6-93; EB 5-1994, f. & cert. ef. 4-29-94

[ED. NOTE: The text of Temporary Rules is not printed in the Oregon Administrative Rules Compilation. Copies may be obtained from the adopting agency or the Secretary of State.]

Civil Action

581-21-420 Any person claiming to be aggrieved by the reckless disclosure of personally identifiable information from a student's education records, as prohibited by OAR 581-21-220 through 581-21-440, may file a civil action in circuit court pursuant to ORS 30.864.

Stat. Auth.: ORS 30.864 & 326.565
Stats. Implemented: ORS 326.565
Hist.: EB 31-1993(Temp), f. 10-6-93, cert. ef. 11-6-93; EB 5-1994, f. & cert. ef. 4-29-94

[ED. NOTE: The text of Temporary Rules is not printed in the Oregon Administrative Rules Compilation. Copies may be obtained from the adopting agency or the Secretary of State.]

The Distribution of Rules Relating to Student Records

581-21-430 (1) The State Board of Education shall distribute the administrative rules regarding student education records to all school districts.

(2) School districts shall make those rules available to the public schools in the district and to the public.

Stat. Auth.: ORS 326.565
Stats. Implemented: ORS 326.565
Hist.: EB 31-1993(Temp), f. 10-6-93, cert. ef. 11-6-93; EB 5-1994, f. & cert. ef. 4-29-94
[ED. NOTE: The text of Temporary Rules is not printed in the Oregon Administrative Rules Compilation. Copies may be obtained from the adopting agency or the Secretary of State.]

Effective Date of Student Education Records Rules

581-21-440 OARs 581-21-220; 581-21-250, 581-21-260; 581-21-270; 581-21-330; 581-21-340; 581-21-360; 581-21-390; and 581-21-440 shall go into effect August 14, 1995.

Stat. Auth.: ORS ORS 326.565, CFR § 99.37
Stats. Implemented: ORS 326.565
Hist.: EB 31-1993(Temp), f. 10-6-93, cert. ef. 11-6-93; EB 5-1994, f. & cert. ef. 4-29-94; EB 20-1995, f. & cert. ef. 7-25-95

[ED. NOTE: The text of Temporary Rules is not printed in the Oregon Administrative Rules Compilation. Copies may be obtained from the adopting agency or the Secretary of State.]

EXHIBIT 1
(581-21 -024)

______________________School District No.____
___________________________________Oregon

TEACHER EVALUATION

Name ____ Employe Status______________________
Assignment ____ School______________________________

General Instructions: This evaluation is based on the individual's performance goals, job description, and performance standards. Use the reverse side or additional pages as needed.

1. In what ways has the teacher met, failed to meet, or exceeded the performance standards, performance goals and teaching responsibilities?

2. In what areas has the teacher shown development and growth in the teaching profession7

3. In what specific areas does the teacher need to demonstrate additional development and growth7

4. Supervisor's recommendations:
   Comments:

☐ Continuation of Employment
☐ Termination of Employment
☐ Other_________________________________

5. Teacher's response, if desired, as provided by law. [See reverse side for ORS 342.850(6)]

6. The following attachments are a part of this report:

This is to certify that we have lead and discussed the above report.

_______________________________________ _______________________________________
Teacher's Signature Date Supervisor's Signature Date

342.850. (1) The district superintendent of every school district, including superintendents of education service districts shall cause to have made at least annually but with multiple observations an evaluation of performance for each probationary teacher employed by the district and at least biennially for any other teacher. The purpose of the evaluation is to allow the teacher and the district to determine the teacher's development and growth in the teaching profession and to evaluate the performance of the teaching responsibilities. A form for teacher evaluation shall be prescribed by the State Board of Education and completed pursuant to rules adopted by the district school board.

(2)(a) The district school board shall develop an evaluation process in consultation with school administrators and and with teachers. If the district's teachers are represented by a local bargaining organization, the board shall consult with teachers belonging to and appointed the local bargaining organization in the consultation required by this paragraph.

(b) The district school board shall implement the evaluation process that includes:

(A) The establishment of job descriptions and performance standards which include but are not limited to items included in the job description;

(B) A pre-evaluation interview which includes but is not limited to the establishment of performance goals for the teacher, based on the description and performance standards;

(C) An evaluation based on written criteria which include the performance goals; and

(D) A post-evaluation interview in which (i)(the results of the evaluation are discussed with the teacher and (ii) a written program of assistance for improvement, if needed, is established.

(c) Nothing in this subsection is intended to prohibit a district from consulting with any other individuals.

(3) Except in those districts having an average daily membership, as defined in ORS 327.006, of fewer than 200 students, the person or persons making the evaluations must hold teaching certificates. The evaluation shall be signed by the school official who supervises the teacher and by the teacher. A copy of the evaluation shall be delivered to the teacher.

(4) The evaluation reports shall be maintained in the personnel files of the district.

(5) The evaluation report shall be placed in the teacher's personnel file only after reasonable notice to the teacher.

(6) A teacher may make a written statement relating to any evaluation, reprimand, charge, action, or any matter placed in the teacher's personnel file and such teacher's statement shall be placed in the personnel file.

(7) The personnel file shall be open for inspection by the teacher, the teacher's designees and the district school board and its designees. District school boards shall adopt rules governing access to personnel files, including rules specifying whom school officials may designate to inspect personnel files.

DIVISION 22

STANDARDS FOR PUBLIC ELEMENTARY AND SECONDARY SCHOOLS

[**ED. NOTE**: The following Administrative Orders relating to Minimum Standards for Public Elementary and Secondary Schools were previously adopted by the Department of Education: 1EB 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 19, 25, 26, 27, 28, 29, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 43, 44, filed 1-19-60; 1EB 71 and 72, filed 9-18-61; 1EB 75 and 76, filed 11-20-61; 1EB 87, 88, 89, 90, 91, 92, 93, 94, 95, 97, filed 7-13-62; 1EB 106, filed 10-31-63; 1EB 117, filed 1-11-67.]

581-22-005 [Renumbered to 581-22-205, 1-20-75]

581-22-010 [Renumbered to 581-22-210, 12-13-74]

581-22-015 [Renumbered to 581-22-215, 12-13-74]

581-22-020 [Renumbered to 581-22-220, 12-13-74]

581-22-025 [Renumbered to 581-22-225, 12-13-74]

Standard I — Plan of Organization — Definitions

581-22-030 [1EB 118, f. 11-28-67, ef. 12-25-67; 1EB 134, f. 7-5-72, ef. 7-15-72; Repealed by 1EB 180, f. 1-20-75, ef. 9-1-76]

Standard II — Instructional Programs

581-22-035 [1EB 118, f. 11-28-67, ef. 12-25-67; 1EB 134, f. 7-5-72, ef. 7-15-72; Repealed by 1EB 180, f. 1-20-75, ef. 7-1-76]

581-22-040 [Renumbered to 581-22-250 and 581-22-260, 12-13-74]

Standard IV — Guidance Services

581-22-045 [1EB 118, f. 11-28-67, ef. 12-25-67; 1EB 134, f. 7-5-72, ef. 7-15-72; Repealed by 1EB 247, f. & ef. 9-23-76]

Standard V — School Term

581-22-050 [1EB 118, f. 11-28-67, ef. 12-25-67; 1EB 134, f. 7-5-72, ef. 7-15-72; Repealed by 1EB 180, f. 1-20-75, ef. 9-1-75]

581-22-055 [Renumbered to 581-22-255, 12-13-74]

581-22-060 [Renumbered to 581-22-245, 12-13-74]

581-22-065 [Renumbered to 581-22-265, 12-13-74]

581-22-070 [Renumbered to 581-22-275, 12-13-74]

581-22-095 [Renumbered to 581-22-201, 1-20-75]

581-22-100 [Renumbered to 581-15-010, 9-17-76]

Definitions

581-22-102 The following definitions apply to OAR 581-22-102 through 581-22-805, unless otherwise indicated by context:

(1) "Applied Arts": Those areas of study related to the design and fabrication of functional objects and/or the acquisition of practical skills (e.g., business education, home economics, industrial arts, vocational education).

(2) "Assessment": Systematic gathering of data with the purpose of appraising and evaluating children's social, physical, emotional, and intellectual development. Activities may include testing to obtain and organize information on student performance in specific subject areas.

(3) "Career Development": The exploration of personal interests and abilities with regard to career selection, and the development of tentative career goals.

(4) "Career Education": A process for improving educational programs to enhance student understanding of and preparation for work and continuing career development.

(5) "Common Curriculum Goals": The knowledge and skills expected of all students as a result of their educational experience; defined by the state as:

(a) The Essential Learning Skills that consist of selected skills in reading, writing, mathematics, listening, speaking, study skills and reasoning (including critical thinking and scientific method); and

(b) The Common Knowledge and Skills in instructional programs as adopted by the State Board of Education.

(6) "Common Knowledge and Skills in Instructional Programs": Facts, concepts, principles, rules, procedures and methods of inquiry associated with specific subject matter areas as adopted by the State Board of Education.

(7) "Common School District": A school district other than a union high school district formed primarily to provide education in all or part of Grades K through 12 to pupils residing within the district (ORS 330.005(2)(b)).

*See section (20) of this rule.

(8) "Compliance Indicator": Statement of the action taken by a local district which can be accepted as evidence that the district is in compliance with the intent of a particular state standard.

(9) "Conditionally Standard School": A school that fails to meet the standards but has submitted a plan of correction, approved by the district school board, to the State Superintendent.

(10) "Course Goals": Statements describing the knowledge and skills students are expected to acquire as a result of having completed a course, elementary unit, or grade level.

(11) "Diploma": The document issued by school districts attesting to the holder's having:

(a) Demonstrated competencies the district school board has adopted for graduation;

(b) Completed the state required 22 units of credit and any additional units of credit the district school board specifies; and

(c) Completed 12 school years of educational experience beginning with Grade 1, or the equivalent as authorized by district school board policies adopted in conformance with these rules.

(12) "District": A common or union high school district (ORS 332.002(2)).

(13) "District Goals": Statements related to State Board of Education goals (OAR 581-22-201) which describe the local district and community's expectations for student learning.

(14) "District School Board": The board of directors of a common school district or a union high school district (ORS 332.002(1)).

(15) "Education Record": Has the same meaning as in OAR 581-21-220(5).

(16) "Elementary School": Any combination of Grades K/1 through 8.

(17) "Essential Learning Skills": Skills that are not unique to any one subject area and which students must learn in order to help them acquire other knowledge and skills. They consist of selected skills in reading, writing, mathematics, listening, speaking, study skills and reasoning (including critical thinking and scientific method), as adopted by the State Board of Education.

(18) "Global Studies": An area of study for learning about the people and cultures of the world through history, geography and other social studies disciplines.

(19) "High School": Any combination of Grades 10 through 12 in districts providing a junior high school containing Grade 9; any combination of Grades 9 through 12 organized as a separate unit; Grades 9 through 12 housed with Grades K through 12; Grades 7 or 8 through 12, if approved by the Oregon Department of Education.

(20) "Identification Team" referred to as "the Team": A team of at least two district staff who carry out district identification procedures and determine the identification of students under OAR 581-22-403.

(21) "Junior High School": A secondary school composed of one or more of Grades 7, 8 and 9 organized separately from other grades and approved by the Oregon Department of Education.

(22) "Kindergarten": A planned program that provides activities designed to foster the physical, social, emotional, and cognitive development of young children (ORS 336.092 and 336.095).

(23) "Middle School": An organizational unit composed of any combination of Grades 5, 6, 7 and 8 organized separately from other elementary grades and identified as a middle school with the Oregon Department of Education.

(24) "Nonstandard School": A school which fails to meet the standards, and which within ninety days of the State Superintendent's notification of deficiencies, fails to submit a plan of correction or adhere to a plan of correction approved by the State Superintendent (ORS 327.103).

(25) "Parent": Has the same definition as in Oregon Revised Statute 343.035(11).

(26) "Planned Course Statement": Course title, course overview, course goals (including essential learning skills, career-related goals and common curriculum goals as set forth in OAR 581-22-420 and 581-22-425) and, where appropriate, graduation competence assigned to the course for verification.

(27) "Potential": As used in OAR 581-22-403(3), the demonstrated capacity to perform at or above the 97th percentile as determined by the team.

(28) "Program": A planned series of interrelated activities or services contributing to the attainment of a goal or set of goals.

(29) "Program Evaluation": A process for making judgments about the philosophy, goals, methods, materials and outcomes of a program to guide program improvement.

(30) "Program Goals" (instructional): Statements describing what students are expected to learn in each district instructional program in any combination of Grades K/1 through 12.

(31) "Program Goals" (support): Statements describing program outcomes which support the entire learning system, or one or more of its components, usually stated in terms of services to be performed.

(32) "Program Needs Identification": Procedures which specify and rank the differences between actual and desired student achievement leading to the consideration of program revision.

(33) "School District": A common or union high school district (ORS 332.002(2)). For purposes of OARs 581-22-403, 581-22-404, and 581-22-406, school district has the same meaning as in Oregon Revised Statute 343.395(5).

(34) "Standard School": A school which is in compliance with all of the standards.

(35) "State Standards": State Board Division 22 Administrative Rules for public elementary and secondary schools.

(36) "Student Activity Funds": All money raised or collected by and/or for school-approved student groups, excluding money budgeted in the general fund (referred to as "co-curricular funds" in the Department of Education's **Program Budget Manual, 1980 edition**).

(37) "Talented and Gifted Students": Those children defined in Oregon Revised Statute 343.395(7).

(38) "Unit of Credit": Certification of a student's successful completion of classroom or equivalent work (e.g., independent study, work experience, research) in a course of at least 130 clock hours.

(39) "Union High School District": A school district, other than a common school district, formed in accordance with ORS 335.210 to 335.485 (ORS 330.005(2)(d)).

(40) "Professional Technical Education": Organized educational programs and support services for occupational preparation and applied academics which blends the interest and aptitudes of youth and adults with the skills and experiences needed for individuals to sustain economic independence, be productive members of society, and enter advanced education and training. Programs at the middle school focus upon understanding technology and the role of work in one's life, the secondary level is organized around families of related occupations, and postsecondary programs provide advanced technical preparation.

[**Publications**: The publication(s) referred to or incorporated by reference in this rule are available from the Department of Education.]

Stat. Auth.: ORS 326.051

Stats. Implemented: ORS 326.011
Hist.: 1EB 19-1980, f. 6-17-80, ef. 7-1-80; 1EB 4-1986, f. 1-23-86, ef. 2-1-86; EB 8-1989, f. & cert. ef. 1-27-89; EB 6-1995, f. & cert. ef. 1-24-95

Definition of Terms

581-22-105 [1EB 138, f. 10-5-72, ef. 10-15-72; 1EB 155, f. 8-8-73, ef. 9-1-73; 1EB 170(Temp), f. 6-6-74, ef. 6-13-74 through 10-13-74; Repealed by 1EB 180, f. 1-20-75, ef. 9-1-75]

Diplomas and Certificates of Competency

581-22-110 [1EB 138, f. 10-5-72, ef. 10-15-72; 1EB 155, f. 8-8-73, ef. 9-1-73; 1EB 170(Temp), f. 6-6-74, ef. 6-13-74 through 10-13-74; Repealed by 1EB 180, f. 1-20-75, ef. 9-1-75]

Credit Requirements for High School Program Completion

581-22-115 [1EB 138, f. 10-5-72, ef. 10-15-72; 1EB 155, f. 8-8-73, ef. 9-1-73; 1EB 170(Temp), f. 6-6-74, ef. 6-13-74 through 10-13-74; Repealed by 1EB 180, f. 1-20-75, ef. 9-1-75]

Performance Requirements for Program Completion

581-22-120 [1EB 138, f. 10-5-72, ef. 10-15-72; 1EB 155, f. 8-8-73, ef. 9-1-73; 1EB 170(Temp), f. 6-6-74, ef. 6-13-74 through 10-13-74; Repealed by 1EB 180, f. 1-20-75, ef. 9-1-75]

Attendance

581-22-125 [1EB 138, f. 10-5-72, ef. 10-15-72; 1EB 155, f. 8-8-73, ef. 9-1-73; 1EB 170(Temp), f. 6-6-74, ef. 6-13-74 through 10-13-74; Repealed by 1EB 180, f. 1-20-75, ef. 9-1-75]

Developing Appropriate Electives and Additional Course Offerings Beyond State Minimums

581-22-130 [1EB 138, f. 10-5-72, ef. 10-15-72; 1EB 155, f. 8-8-73, ef. 9-1-73; 1EB 170(Temp), f. 6-6-74, ef. 6-13-74 through 10-13-74; Repealed by 1EB 180, f. 1-20-75, ef. 9-1-75]

Local School District Responsibility for Implementation

581-22-135 [1EB 138, f. 10-5-72, ef. 10-15-72; 1EB 155, f. 8-8-73, ef. 9-1-73; 1EB 170(Temp), f. 6-6-74, ef. 6-13-74 through 10-13-74; Repealed by 1EB 180, f. 1-20-75, ef. 9-1-75]

581-22-155 [Renumbered to 581-15-015, 9-17-76]

581-22-160 [Renumbered to 581-15-020, 9-17-76]

581-22-165 [Renumbered to 581-15-025, 9-17-76]

581-22-170 [Renumbered to 581-15-030, 9-17-76]

581-22-175 [Renumbered to 581-15-035, 9-17-76]

581-22-180 [Renumbered to 581-15-040, 9-17-76]

581-22-185 [Renumbered to 581-15-045, 9-17-76]

581-22-190 [Renumbered to 581-15-050, 9-17-76]

Definitions

581-22-200 [1EB 118, f. 11-28-67, ef. 12-25-67; 1EB 134, f. 6-26-72, ef. 7-15-72; Renumbered from 581-22-015, 12-13-74; 1EB 180, f. 1-20-75, ef. 9-1-75; Renumbered from 581-22-215, 8-20-76; 1EB 243, f. & ef. 8-27-76; Repealed by 1EB 18-1980, f. 6-17-80, ef. 7-1-80]

Goals for Elementary and Secondary Education

581-22-201 (1) The Board, in response to the changing needs of Oregon learners, sets forth six goals for the public schools.

(2) Conceived and endorsed by Oregon citizens, the statewide goals are designed to assure that every student in the elementary and secondary schools shall have the opportunity to learn to function effectively in six life roles: Individual, Learner, Producer, Citizen, Consumer, and Family Member. Each goal suggests the knowledge, skills, and attitudes needed to function in these life roles.

(3) The statewide goals shall be implemented through the district, program and course goals of each local school district. These local goals are set by schools and communities together to fulfill a mutual responsibility for the education of every student. Because most of the knowledge and skills needed to function effectively in the role of Learner are acquired in school, the school has primary responsibility for helping students achieve this goal.

(4) Each school and its community should establish priorities among the goals to meet local needs, and allocate their resources accordingly. This process should provide each student with the opportunity to achieve the requirements for graduation from high school, and as much additional schooling as school and community resources can provide.

(5) Each individual will have the opportunity to develop to the best of his or her ability the knowledge, skills, and attitudes necessary to function as a(an):

(a) "Individual": To develop the skills necessary for achieving fulfillment as a self-directed person; to acquire the knowledge necessary for achieving and maintaining physical and mental health and to develop the capacity for coping with change through an understanding of the arts, humanities, scientific processes, and the principles involved in making moral and ethical choices;

(b) "Learner": To develop the basic skills of reading, writing, computing, spelling, speaking, listening, and problem-solving; and to develop a positive attitude toward learning as a lifelong endeavor;

(c) "Producer": To learn of the variety of occupations; to learn to appreciate the dignity and value of work and the mutual responsibilities of employees and employers; and to learn to identify personal talents and interests, to make appropriate career choices, and to develop career skills;

(d) "Citizen": To learn to act in a responsible manner; to learn of the rights and responsibilities of citizens of the community, state, nation, and world; and to learn to understand, respect and interact with people of different cultures, generations and races;

(e) "Consumer": To acquire knowledge and to develop skills in the management of personal resources necessary for meeting obligations to self, family, and society;

(f) "Family Member": To learn of the rights and responsibilities of family members, and to acquire the skills and knowledge to strengthen and enjoy family life.

Stat. Auth.: ORS Ch. 326 & 336
Stats. Implemented: ORS 326.011
Hist.: 1EB 169, f. 4-30-74, ef. 5-25-74; Renumbered from 581-22-095, 12-13-74; 1EB 180, f. 1-20-75, ef. 9-1-75; 1EB 238, f. & ef. 7-13-76

Accreditation

Administration of the Standardization Program

581-22-202 [1EB 118, f. 11-28-67, ef. 12-25-67;
1EB 134, f. 6-26-72, ef. 7-15-72;
Renumbered from 581-22-010,
12-13-74;
1EB 180, f. 1-20-75, ef. 9-1-75;
Renumbered from 581-22-210,
8-20-76;
1EB 243, f. & ef. 8-27-76;
Repealed by 1EB 18-1980,
f. 6-17-80, ef. 7-1-80]

Assignment of Standardization Classification

581-22-204 [1EB 118, f. 11-28-67, ef. 12-25-67;
1EB 134, f. 6-26-72, ef. 7-15-72;
Renumbered from 581-22-020,
12-13-74;
1EB 180, f. 1-20-75, ef. 9-1-75;
Renumbered from 581-22-220,
8-20-76;
1EB 243, f. & ef. 8-27-76;
Repealed by 1EB 18-1980,
f. 6-17-80, ef. 7-1-80]

Legal Authority

581-22-205 [1EB 118, f. 11-28-67, ef. 12-25-67;
1EB 134, f. 6-26-72, ef. 7-15-72;
Renumbered from 581-22-005,
12-13-74;
1EB 180, f. 1-20-75, ef. 9-1-75;
Repealed by 1EB 243,
f. & ef. 8-27-76]

Waiver Provisions

581-22-206 [1EB 118, f. 11-28-67, ef. 12-25-67;
1EB 134, f. 6-26-72, ef. 7-15-72;
Renumbered from 581-22-025,
12-13-74;
1EB 180, f. 1-20-75, ef. 9-1-75;
Renumbered from 581-22-225,
8-20-76;
1EB 243, f. & ef. 8-27-76;
Repealed by 1EB 18-1980,
f. 6-17-80, ef. 7-1-80]

Instructional Planning

581-22-208 [1EB 180, f. 1-20-75, ef. as follows:
Sections (1)(a) and (b), 9-1-76;
Section (1)(c), 9-1-77;
Sections (2) and (3), 9-1-79;
Section (4), 9-1-80;
Renumbered from 581-22-230,
6-23-76;
1EB 238, f. 6-23-76, ef. 7-13-76;
Repealed by 1EB 18-1980,
f. 6-17-80, ef. as follows:
Sections (1)(a)(b)(c) and (4), 7-1-80;
Sections (2)(a)(b) (3), 9-1-81]

581-22-210 [Renumbered to 581-22-202,
8-20-76]

Goals

Goals

581-22-211 Each school district shall maintain a coordinated K-12 instructional program based on:

(1) District goals adopted by the district school board and consistent with the goals adopted by the State Board in OAR 581-22-201;

(2) Program goals adopted by the district school board in all instructional program areas and, where appropriate, consistent with the common curriculum goals adopted by the State Board of Education; and

(3) Grade level goals or course goals, which support the program goals.

Stat. Auth.: ORS Ch. 326
Stats. Implemented; ORS 326.011
Hist.: 1EB 19-1980, f. 6-17-80, ef. 7-1-80, except section (4)(b), ef. 9-1-81; EB 2-1989, f. & cert. ef. 1-23-88; EB 38-1990, f. & cert. ef. 7-10-90

581-22-215 [Renumbered to 581-22-200,
8-20-76]

Instructional Program

Educational Program

581-22-218 [1EB 180, f. 1-20-75, ef. as follows:
Sections (A), (B) and (D), 9-1-75;
Section (C), 9-1-77;
Renumbered from 581-22-240,
6-23-76;
1EB 238, f. 6-23-76, ef. 7-13-76;
Repealed by 1EB 18-1980,
f. 6-17-80, ef. 7-1-80]

581-22-220 [Renumbered to 581-22-204,
8-20-76]

Elementary Instructional Programs

581-22-221 [1EB 180, f. 1-20-75, ef. as follows:
Sections (A), (B) and (D), 9-1-75;
Section (C), 9-1-77;
Renumbered from 581-22-240,
6-23-76;
1EB 238, f. 6-23-76, ef. 7-13-76;
Repealed by 1EB 18-1980,
f. 6-17-80, ef. 7-1-80]

Elementary Instruction Applicable to Required Competencies

581-22-222 [1EB 180, f. 1-20-75, ef. as follows:
Sections (A), (B) and (D), 9-1-75;
Section (C), 9-1-77;
Renumbered from 581-22-240,
6-23-76;
1EB 238, f. 6-23-76, ef. 7-13-76;
Repealed by 1EB 18-1980,
f. 6-17-80, ef. 7-1-80]

Graduation Requirements (Class of 1977)

581-22-224 [1EB 180, f. 1-20-75, ef. as follows:
Sections (A), (B) and (D), 9-1-75;
Section (C), 9-1-77;
Renumbered from 581-22-240,
6-23-76;
1EB 238, f. 6-23-76, ef. 7-13-76;
Repealed by 1EB 18-1980,
f. 6-17-80, ef. 7-1-80]

581-22-225 [Renumbered to 581-22-206,
8-20-76]

Graduation Requirements

581-22-226 [1EB 180, f. 1-20-75, ef. as follows:
Sections (A), (B) and (D), 9-1-75;
Section (C), 9-1-77;
Renumbered from 581-22-240,
6-23-76;
1EB 238, f. 6-23-76, ef. 7-13-76;
Repealed by 1EB 18-1980,
f. 6-17-80, ef. 9-1-83]

Diplomas and Certificates of Competency

581-22-228 [1EB 180, f. 1-20-75, ef. as follows:
Sections (A), (B) and (D), 9-1-75;
Section (C), 9-1-77;
Renumbered from 581-22-240,
6-23-76;
1EB 238, f. 6-23-76, ef. 7-13-76;
Repealed by 1EB 18-1980,
f. 6-17-80, ef. 9-1-83]

581-22-230 [Renumbered to 581-22-208,
6-23-76]

Performance Requirements for Program Completion

581-22-231 [1EB 180, f. 1-20-75, ef. as follows:
Sections (A), (B) and (D), 9-1-75;
Section (C), 9-1-77;
Renumbered from 581-22-240,
6-23-76;
1EB 238, f. 6-23-76, ef. 7-13-76;
Repealed by 1EB 18-1980,
f. 6-17-80, ef. 9-1-81]

Attendance

581-22-232 [1EB 180, f. 1-20-75, ef. as follows:
Sections (A), (B) and (D), 9-1-75;
Section (C), 9-1-77;
Renumbered from 581-22-240,
6-23-76;
1EB 238, f. 6-23-76, ef. 7-13-76;
Repealed by 1EB 18-1980,
f. 6-17-80, ef. 7-1-80]

Developing Appropriate Electives and Additional Course Offerings Beyond State Minimums

581-22-234 [1EB 180, f. 1-20-75, ef. as follows:
Sections (A), (B) and (D), 9-1-75;
Section (C), 9-1-77;
Renumbered from 581-22-240,
6-23-76;
1EB 238, f. 6-23-76, ef. 7-13-76;
Repealed by 1EB 18-1980,
f. 6-17-80, ef. 7-1-80]

Diagnosis and Prescription

581-22-235 [1EB 180, f. 1-20-75, ef. 9-1-79;
Repealed by 1EB 238,
f. 6-23-76, ef. 7-13-76]

Local District Responsibility for Implementation

581-22-236 [1EB 180, f. 1-20-75, ef. as follows:
Sections (A), (B) and (D), 9-1-75;
Section (C), 9-1-77;
Renumbered from 581-22-240,
6-23-76;
1EB 238, f. 6-23-76, ef. 7-13-76;
Repealed by 1EB 18-1980,
f. 6-17-80, ef. 7-1-80]

Operating Policies and Procedures

581-22-238 [1EB 118, f. 11-28-67, ef. 12-25-67;
1EB 123, f. 8-27-70;
1EB 134, f. 6-26-72, ef. 7-15-72;
Renumbered from 581-22-060,
12-13-74;
1EB 180, f. 1-20-75, ef. as follows:
Sections (A), (B)(1) and
(C)-(H), 9-1-75;
Sections (B)(2) and (B)(3), 9-1-76;
Renumbered from 581-22-245,
6-23-76;
1EB 238, f. 6-23-76, ef. 7-13-76;
Repealed by 1EB 18-1980,
f. 6-17-80, ef. 7-1-80]

581-22-240 [Renumbered to 581-22-218
through 581-22-236, 6-23-76]

Personnel Policies

581-22-241 [1EB 118, f. 11-28-67, ef. 12-25-67;
1EB 134, f. 6-26-72, ef. 7-15-72;
Renumbered from 581-22-060,
12-13-74;
1EB 180, f. 1-20-75, ef. as follows:
Sections (A), (B)(1) and
(C)-(H), 9-1-75;
Sections (B)(2) and (B)(3), 9-1-76;
Renumbered from 581-22-245,
6-23-76;
1EB 238, f. 6-23-76, ef. 7-13-76;
Repealed by 1EB 18-1980,
f. 6-17-80, ef. 7-1-80]

Equal Educational Opportunities

581-22-242 [EB 118, f. 11-28-67, ef. 12-25-67;
1EB 134, f. 6-26-72, ef. 7-15-72;
Renumbered from 581-22-060,
12-13-74;
1EB 180, f. 1-20-75, ef. as follows:
Sections (A), (B)(1) and
(C)-(H), 9-1-75;
Sections (B)(2) and (B)(3), 9-1-76;
Renumbered from 581-22-245,
6-23-76;
1EB 238, f. 6-23-76, ef. 7-13-76;
Repealed by 1EB 18-1980,
f. 6-17-80, ef. 7-1-80]

Records and Reports

581-22-244 [1EB 118, f. 11-28-67, ef. 12-25-67;
1EB 134, f. 6-26-72, ef. 7-15-72;
Renumbered from 581-22-060,
12-13-74;
1EB 180, f. 1-20-75, ef. as follows:
Sections (A), (B)(1) and
(C)-(H), 9-1-75;
Sections (B)(2) and (B)(3), 9-1-76;
Renumbered from 581-22-245,
6-23-76;
1EB 238, f. 6-23-76, ef. 7-13-76;
Repealed by 1EB 18-1980,
f. 6-17-80, ef. 7-1-80]

581-22-245 [Renumbered to 581-22-238
through 581-22-252, 6-23-76]

Bonded Employees

581-22-246 [1EB 118, f. 11-28-67, ef. 12-25-67;
1EB 134, f. 6-26-72, ef. 7-15-72;
Renumbered from 581-22-060,
12-13-74;
1EB 180, f. 1-20-75, ef. as follows:
Sections (A), (B)(1) and
(C)-(H), 9-1-75;
Sections (B)(2) and (B)(3), 9-1-76;
Renumbered from 581-22-245,
6-23-76;
1EB 238, f. 6-23-76, ef. 7-13-76;
Repealed by 1EB 18-1980,
f. 6-17-80, ef. 7-1-80]

Accounting of Funds

581-22-248 [1EB 118, f. 11-28-67, ef. 12-25-67;
1EB 134, f. 6-26-72, ef. 7-15-72;
Renumbered from 581-22-060,
12-13-74;
1EB 180, f. 1-20-75, ef. as follows:
Sections (A), (B)(1) and
(C)-(H), 9-1-75;
Sections (B)(2) and (B)(3), 9-1-76;
Renumbered from 581-22-245,
6-23-76;
1EB 238, f. 6-23-76, ef. 7-13-76;
Repealed by 1EB 18-1980,
f. 6-17-80, ef. 7-1-80]

581-22-250 [Renumbered to 581-22-254
through 581-22-261, 6-23-76]

Evaluating Student Transcripts

581-22-251 [1EB 118, f. 11-28-67, ef. 12-25-67;
1EB 134, f. 6-26-72, ef. 7-15-72;
Renumbered from 581-22-060,
12-13-74;
1EB 180, f. 1-20-75, ef. as follows:
Sections (A), (B)(1) and
(C)-(H), 9-1-75;
Sections (B)(2) and (B)(3), 9-1-76;
Renumbered from 581-22-245,
6-23-76;
1EB 238, f. 6-23-76, ef. 7-13-76;
Repealed by 1EB 18-1980,
f. 6-17-80, ef. 7-1-80]

Required Days of Instruction

581-22-252 [1EB 118, f. 11-28-67, ef. 12-25-67;
1EB 134, f. 6-26-72, ef. 7-15-72;
Renumbered from 581-22-060,
12-13-74;
1EB 180, f. 1-20-75, ef. as follows:
Sections (A), (B)(1) and
(C)-(H), 9-1-75;
Sections (B)(2) and (B)(3), 9-1-76;
Renumbered from 581-22-245,
6-23-76;
1EB 238, f. 6-23-76, ef. 7-13-76;
Repealed by 1EB 18-1980,
f. 6-17-80, ef. 7-1-80]

Student Services

District Guidance and Counseling

581-22-254 [1EB118, f. 11-28-67, ef. 12-25-67;
1EB 134, f. 6-26-72, ef. 7-15-72;
Renumbered from 581-22-040,
12-13-74;
1EB 180, f. 1-20-75, ef. as follows:
Sections (A), (B) and (D), 9-1-76;
Section (C), 9-1-75;
Renumbered from 581-22-250,
6-23-76;
1EB 238, f. 6-23-76, ef. 7-13-76;
Repealed by 1EB 18-1980,
f. 6-17-80, ef. 9-1-81]

581-22-255 [Renumbered to 581-22-262
through 581-22-266, 6-23-76]

School Guidance and Counseling

581-22-256 [1EB 118, f. 11-28-67, ef. 12-25-67;
1EB 134, f. 6-26-72, ef. 7-15-72;
Renumbered from 581-22-040,
12-13-74;
1EB 180, f. 1-20-75, ef. as follows:
Sections (A), (B) and (D), 9-1-76;
Section (C), 9-1-75;
Renumbered from 581-22-250,
6-23-76;
1EB 238, f. 6-23-76, ef. 7-13-76;
Repealed by 1EB 18-1980,
f. 6-17-80, ef. 9-1-81]

Student Records

581-22-258 [1EB 118, f. 11-28-67, ef. 12-25-67;
1EB 134, f. 6-26-72, ef. 7-15-72;
Renumbered from 581-22-040,
12-13-74;
1EB 180, f. 1-20-75, ef. as follows:
Sections (A), (B) and (D), 9-1-76;
Section (C), 9-1-75;
Renumbered from 581-22-250,
6-23-76;
1EB 238, f. 6-23-76, ef. 7-13-76;

Repealed by 1EB 18-1980,
f. 6-17-80, ef. 7-1-80]

581-22-260 [Renumbered to 581-22-268
through 581-22-272, 6-23-76]

Health Services

581-22-261 [1EB 105, f. 8-16-63;
1EB 113, f. 3-30-64;
1EB 118, f. 11-28-67, ef. 12-25-67;
1EB 134, f. 6-26-72, ef. 7-15-72;
Renumbered from 581-22-040,
12-13-74;
1EB 180, f. 1-20-75, ef. as follows:
Sections (A), (B) and (D), 9-1-76;
Section (C), 9-1-75;
Renumbered from 581-22-250,
6-23-76;
1EB 238, f. 6-23-76, ef. 7-13-76;
Repealed by 1EB 18-1980,
f. 6-17-80, ef. 7-1-80]

Staff and Class Load

Certificated Personnel

581-22-262 [1EB 118, f. 11-28-67, ef. 12-25-67;
1EB 134, f. 6-26-72, ef. 7-15-72;
Renumbered from 581-22-055,
12-13-74;
1EB 180, f. 1-20-75, ef. as follows:
Sections (A) and (B), 9-1-75;
Section (C), 9-1-76;
Renumbered from 581-22-255,
6-23-76;
1EB 238, f. 6-23-76, ef. 7-13-76;
Repealed by 1EB 18-1980,
f. 6-17-80, ef. 7-1-80]

Teacher Aides

581-22-264 [1EB 118, f. 11-28-67, ef. 12-25-67;
1EB 134, f. 6-26-72, ef. 7-15-72;
Renumbered from 581-22-055,
12-13-74;
1EB 180, f. 1-20-75, ef. as follows:
Sections (A) and (B), 9-1-75;
Section (C), 9-1-76;
Renumbered from 581-22-255,
6-23-76;
1EB 238, f. 6-23-76, ef. 7-13-76;
Repealed by 1EB 18-1980,
f. 6-17-80, ef. 7-1-80]

581-22-265 [Renumbered to 581-22-274
through 581-22-278, 6-23-76]

Daily Class Size

581-22-266 [1EB 118, f. 11-28-67, ef. 12-25-67;
1EB 134, f. 6-26-72, ef. 7-15-72;
Renumbered from 581-22-055,
12-13-74;
1EB 180, f. 1-20-75, ef. as follows:
Sections (A) and (B), 9-1-75;
Section (C), 9-1-76;
Renumbered from 581-22-255,
6-23-76;
1EB 238, f. 6-23-76, ef. 7-13-76;
1EB 18-1980, f. 6-17-80, ef. 9-1-80;
Repealed by 1EB 17-1986,
f. 4-25-86, ef. 4-28-86]

Media Centers

581-22-268 [1EB 118, f. 11-28-67, ef. 12-25-67;
1EB 134, f. 6-26-72, ef. 7-15-72;
Renumbered from 581-22-040,
12-13-74;
1EB 180, f. 1-20-75 ef. as follows:
Sections (A) and (D), 9-1-76;
Sections (B) and (C), 9-1-75;
Renumbered from 581-22-260,
6-23-76;
1EB 238, f. 6-23-76, ef. 7-13-76;
Repealed by 1EB 18-1980,
f. 6-17-80, ef. 9-1-80]

581-22-270 [Renumbered to 581-22-280
through 581-22-288, 6-23-76]

Materials Selection and Purchase

581-22-271 [1EB 118, f. 11-28-67, ef. 12-25-67;
1EB 134, f. 6-26-72, ef. 7-15-72;
Renumbered from 581-22-040,
12-13-74;
1EB 180, f. 1-20-75, ef. as follows:
Sections (A) and (D), 9-1-76;
Sections (B) and (C), 9-1-75;
Renumbered from 581-22-260,
6-23-76;
1EB 238, f. 6-23-76, ef. 7-13-76;
Repealed by 1EB 18-1980,
f. 6-17-80, ef. 7-1-80]

Equipment Purchase

581-22-272 [1EB 118, f. 11-28-67, ef. 12-25-67;
1EB 134, f. 6-26-72, ef. 7-15-72;
Renumbered from 581-22-040,
12-13-74;
1EB 180, f. 1-20-75, ef. as follows:
Sections (A) and (D), 9-1-76;
Sections (B) and (C), 9-1-75;
Renumbered from 581-22-260,
6-23-76;
1EB 238, f. 6-23-76, ef. 7-13-76;
Repealed by 1EB 18-1980,
f. 6-17-80, f. 7-1-80]

Facilities

581-22-274 [1EB 118, f. 11-28-67, ef. 12-25-67;
1EB 134, f. 6-26-72, ef. 7-15-72;
Renumbered from 581-22-065,
12-13-74;
1EB 180, f. 1-20-75, ef. 9-1-75;
Renumbered from 581-22-265,
6-23-76;
1EB 238, f. 6-23-76, ef. 7-13-76;
Repealed by 1EB 18-1980,
f. 6-17-80, ef. 7-1-80]

581-22-275 [Renumbered to 581-22-292
through 581-22-300, 6-23-76]

Furniture, Equipment, Materials

581-22-276 [1EB 118, f. 11-28-67, ef. 12-25-67;
1EB 134, f. 6-26-72, ef. 7-15-72;
Renumbered from 581-22-065,
12-13-74;
1EB 180, f. 1-20-75, ef. 9-1-75;
Renumbered from 581-22-265,
6-23-76;
1EB 238, f. 6-23-76, ef. 7-13-76;
Repealed by 1EB 18-1980,
f. 6-17-80, ef. 7-1-80]

Building Program and Plans

581-22-278 [1EB 118, f. 11-28-67, ef. 12-25-67; 1EB 134, f. 6-26-72, ef. 7-15-72; Renumbered from 581-22-065, 12-13-74; 1EB 180, f. 1-20-75, ef. 9-1-75; Renumbered from 581-22-265, 6-23-76; 1EB 238, f. 6-23-76, ef. 7-13-76; Repealed by 1EB 18-1980, f. 6-17-80, ef. 7-1-80]

Emergency Plans and Safety Programs

581-22-280 [1EB 180, f. 1-20-75, ef. as follows: Sections (A) and (C), 9-1-76; Sections (B), (D), (E), 9-1-75; Renumbered from 581-22-270, 6-23-76; 1EB 238, f. 6-23-76, ef. 7-13-76; Repealed by 1EB 18-1980, f. 6-17-80, ef. 9-1-80]

Safety Inspection Practices

581-22-282 [1EB 180, f. 1-20-75, ef. as follows: Sections (A) and (C), 9-1-76; Sections (B), (D), (E), 9-1-75; Renumbered from 581-22-270, 6-23-76; 1EB 238, f. 6-23-76, ef. 7-13-76; Repealed by 1EB 18-1980, f. 6-17-80, ef. 9-1-80]

Accident Prevention In-Service

581-22-284 [1EB 180, f. 1-20-75, ef. as follows: Sections (A) and (C), 9-1-76; Sections (B), (D), (E), 9-1-75; Renumbered from 581-22-270, 6-23-76; 1EB 238, f. 6-23-76, ef. 7-13-76; Repealed by 1EB 18-1980, f. 6-17-80, ef. 9-1-80]

Accident Reporting Systems

581-22-286 [1EB 180, f. 1-20-75, ef. as follows: Sections (A) and (C), 9-1-76; Sections (B), (D), (E), 9-1-75; Renumbered from 581-22-270, 6-23-76; 1EB 238, f. 6-23-76, ef. 7-13-76; Repealed by 1EB 18-1980, f. 6-17-80, ef. 9-1-80]

Safety Devices

581-22-288 [1EB 180, f. 1-20-75, ef. as follows: Sections (A) and (C), 9-1-76; Sections (B), (D), (E), 9-1-75; Renumbered from 581-22-270, 6-23-76; 1EB 238, f. 6-23-76, ef. 7-13-76; Repealed by 1EB 18-1980, f. 6-17-80, ef. 9-1-80]

Pupil Transportation Services

581-22-292 [1EB 118, f. 11-28-67, ef. 12-25-67; 1EB 134, f. 6-26-72, ef. 7-15-72; Renumbered from 581-22-070, 12-13-74; 1EB 180, f. 1-20-75 , ef. 9-1-75; Renumbered from 581-22-275, 6-23-76; 1EB 238, f. 6-23-76, ef. 7-13-76; Repealed by 1EB 18-1980, f. 6-17-80, ef. 7-1-80]

Bus Inspection and Maintenance

581-22-294 [1EB 118, f. 11-28-67, ef. 12-25-67; 1EB 134, f. 6-26-72, ef. 7-15-72; Renumbered from 581-22-070, 12-13-74; 1EB 180, f. 1-20-75, ef. 9-1-75; Renumbered from 581-22-275, 6-23-76; 1EB 238, f. 6-23-76, ef. 7-13-76; Repealed by 1EB 18-1980, f. 6-17-80, ef. 7-1-80]

School Bus Drivers

581-22-296 [1EB 118, f. 11-28-67, ef. 12-25-67; 1EB 134, f. 6-26-72, ef. 7-15-72; Renumbered from 581-22-070, 12-13-74; 1EB 180, f. 1-20-75, ef. 9-1-75; Renumbered from 581-22-275, 6-23-76; 1EB 238, f. 6-23-76, ef. 7-13-76; Repealed by 1EB 18-1980, f. 6-17-80, ef. 7-1-80]

School Food Services

581-22-298 [1EB 118, f. 11-28-67, ef. 12-25-67; 1EB 134, f. 6-26-72, ef. 7-15-72; Renumbered from 581-22-070, 12-13-74; 1EB 180, f. 1-20-75, ef. 9-1-75; Renumbered from 581-22-275, 6-23-76; 1EB 238, f. 6-23-76, ef. 7-13-76; Repealed by 1EB 18-1980, f. 6-17-80, ef. 7-1-80]

Custodial Services

581-22-300 [1EB 118, f. 11-28-67, ef. 12-25-67; 1EB 134, f. 6-26-72, ef. 7-15-72; Renumbered from 581-22-070, 12-13-74; 1EB 180, f. 1-20-75, ef. 9-1-75; Renumbered from 581-22-275, 6-23-76; 1EB 238, f. 6-23-76, ef. 7-13-76; Repealed by 1EB 18-1980, f. 6-17-80, ef. 7-1-80]

Graduation Requirements

Graduation Requirements

581-22-316 Each district school board with jurisdiction over high school programs shall award diplomas to all students who fulfill all school district requirements and all state requirements as described in the following sections and in district school board policies. A school district may award an alternative document to a student who has met some but not all of the graduation requirements:

(1) Unit of Credit Requirements:

(a) Each student shall earn a minimum of 22 units of credit to include at least:

(A) Language Arts...3;

(shall include the equivalent of one unit in Written Composition)

(B) Mathematics...2;

(C) Science	2;
(D) U.S. History	1;
(E) Global Studies	1;
(F) Government	1/2;
(G) Health Education	1;
(H) Physical Education	1;
(I) Career Development	1/2;
(J) Personal Finance and Economics	1;
(K) Applied Arts, Fine Arts or Foreign Language	1.

(one unit shall be earned in any one or a combination)

(b) A district school board with a three-year high school may submit through the waiver process alternative plans to meet unit requirements;

(c) A district school board may increase the number of units required in specific areas, and may increase or decrease the number of elective units; however, the total units of credit required for graduation shall not be less than 22;

(d) A school district may grant high school credit for experiences prior to the ninth grade which are equivalent to high school courses within the school district; however, the granting of such credit cannot reduce below 22 the units of credit to be completed in Grades 9 through 12;

(e) Planned course statements shall be written for courses in Grades 9 through 12 and shall be available to students, staff, parents, the district school board and other interested individuals.

(2) Attendance Requirements:

(a) Twelve school years shall be required beginning with Grade 1, except when the school district adopts policies providing for early or delayed completion of all state and school district credit and performance requirements;

(b) The district school board may adopt policies for alternative learning experiences, such as credit by examination and credit for off-campus experiences;

(c) With any modification of the attendance requirements for graduation, school district staff shall consider age and maturity of students, access to alternative learning experiences, performance levels, school district guidelines and the wishes of parents or guardians.

Stat. Auth.: ORS 326.051
Stats. Implemented: ORS 326.051
Hist.: 1EB 19-1980, f. 6-17-80, ef. as follows: Sections (1)(a), (A) thru (K), (b), (c), (d), (e), (2)(a), (F), (2)(b), (B) ef. 9-1-83; Sections (2)(a)(A) thru (E) ef. 9-1-81; Sections (3)(a) thru (c) ef. 7-1-80; Sections (2)(b), (A), (C), (c), (d), ef. 6-17-80; 1EB 13-1984, f. 6-20-84, ef. 6-21-84; EB 47-1990, f. & cert. ef. 10-15-90

Alternative Education Programs

581-22-317 (1) A school district shall grant credit for work satisfactorily completed in an alternative education program as defined in ORS 339.605 and 339.615, provided the student:

(a) Successfully completes classroom or equivalent work (e.g., supervised independent study, work experience, research) in a course of at least 130 clock hours in accordance with OAR 581-22-102;

(b) Completes a unit of credit in a school accredited by Northwest Association of Schools and Colleges;

(c) Completes a unit of credit where performance-based criteria acceptable to the school district are identified; or

(d) Demonstrates competency or mastery of subject as defined by the school district by any one or more of the following as approved by the district:

(A) Successfully passes an appropriate exam;

(B) Provides sample of work or other evidence which demonstrates equivalent knowledge or skill; and

(C) Provides documentation of prior learning activities or experiences (e.g., certification of training, letters, diplomas, awards, etc.).

(2) Students served by public and private alternative programs shall be those identified under ORS 339.250(6) and other students whose academic or vocational interests and needs are best served through participation in such programs.

(3) The local board shall approve private and public alternative education programs operated or contracted by districts.

(4) Districts shall adopt policies and procedures for annual evaluation of public and private alternative education programs pursuant to ORS 339.635.

(5) Districts shall adopt policies and procedures for notification to parent and students regarding the availability of alternative education programs that are appropriate and accessible in accordance with OAR 581-21-071.

Stat. Auth.: ORS Ch. 339
Stats. Implemented: ORS 336.625
Hist.: EB 36-1987, f. & ef. 12-11-87; EB 29-1990, f. & cert. ef. 5-18-90

Curriculum Requirements

Essential Learning Skills Expected of All Students

581-22-402 Each school district shall have a planned program which ensures the opportunity for students to attain the Essential Learning Skills, consisting of selected skills in reading, writing, mathematics, listening, speaking, study skills and reasoning (including critical thinking and scientific method), identified in common curriculum goals adopted by the State Board of Education. The district shall:

(1) Establish the skills expected of all students at the completion of each of Grades Kindergarten through 8, and in all high school programs leading to the attainment of the Essential Learning Skills adopted by the State Board of Education.

(2) Provide instruction that emphasizes the attainment of the Essential Learning Skills in all grades and instructional programs.

(3) Increase the application of the Essential Learning Skills in all program areas as students acquire mastery of the skills.

(4) Provide appropriate curriculum and instruction in all grades in order for students to make necessary progress toward attainment of the Essential Learning Skills.

(5) Planned programs for instruction of Essential Learning Skills shall be implemented when the common curriculum goals for each instructional program are in place and no later than the beginning of the 1995 - 96 school year for instructional programs with no common curriculum goals.

Stat. Auth.: ORS Ch. 326
Stats. Implemented: ORS 326.051
Hist.: 1EB 19-1980, f. 6-17-80, ef. 9-1-82; 1EB 4-1986, f. 1-23-86, ef. 2-1-86; EB 38-1990, f. & cert. ef. 7-10-90

Identification of Academically Talented and Intellectually Gifted Students

581-22-403 Each school district shall have local district policies and procedures for the identification of talented and gifted students as defined in ORS 343.395(7)(a) and (b):

(1) Districts shall make efforts to identify students from ethnic minorities, students with disabilities, and students who are culturally different or economically disadvantaged;

(2) A team shall make the final decisions on the identification of students using the information collected under sections (3) and (4) of this rule. No single test, measure or score shall be the sole criteria. A record of the team's decision, and the data used by the team to make the decision, shall become part of the education record for each student considered;

(3) Districts shall collect behavioral, learning and/or performance information and include the information in all procedures for the identification of students;

(4) The following measures and criteria for identifying the intellectually gifted and the academically talented shall be used by the team:

(a) Intellectually gifted students shall score at or above the 97th percentile on a nationally standardized test of mental ability;

(b) Academically talented students shall score at or above the 97th percentile on a test of total reading or a test of total mathematics from a nationally standardized test battery or a nationally standardized test of reading or mathematics. The tests in the battery used for the purposes of identification shall be limited to reading and mathematics.

(5) Despite a student's failure to qualify under paragraph (4)(a) or (b) of this rule, districts, by local policies and procedures, shall identify students who demonstrate the potential to perform at the 97th percentile;

(6) School districts may identify additional students who are talented and gifted as defined in ORS 343.395(7)(c), (d), and (e) as determined by local district policies and procedures.

Stat. Auth.: ORS 343.391 thru 343.413
Stats. Implemented: ORS 326.051
Hist.: EB 15-1989, f. & cert. ef. 4-19-89; EB 30-1990, f. & cert. ef. 5-18-90; EB 6-1995, f. & cert. ef. 1-24-95

Rights of Parents of Talented and Gifted Students

581-22-404 In carrying out the requirements of OAR 581-22-403 and OAR 581-22-406, the school district shall:

(1) Inform parents at the time of the identification of the child and the programs and services available.

(2) Provide an opportunity for the parents to provide input to and discuss with the district the programs and services to be received by their child.

(3) The parents may, at any time, request the withdrawal of their child from programs and services provided under OAR 581-22-404. The school district shall notify parents of identified students of this right.

(4) Parents shall be informed of their right to file a complaint under OAR 581-22-805.

Stat. Auth.: ORS
Stats. Implemented: ORS 326.051
Hist.: EB 6-1995, f. & cert. ef. 1-24-95

Career Education

581-22-405 Each school district shall implement plans for career education Grades K through 12, with goals for each instructional program and, where applicable, goals for support programs.

Stat. Auth.: ORS Ch. 326
Stats. Implemented: ORS 326.051
Hist.: 1EB 19-1980, f. 6-17-80, ef. 9-1-81; EB 4-1989, f. & cert. ef. 1-23-89

Programs and Services for Talented and Gifted Students

581-22-406 (1) Each school district shall have a written plan for programs and services.

(2) The instruction provided to identified students shall address their assessed levels of learning and accelerated rates of learning.

(3) Assessments for the development of an appropriate academic instructional program shall include the information used by the team for identification purposes and also may include one or more of the following:

(a) An academic history which may include grades, portfolio assessment records or other progress records and achievement information that demonstrates the student's level of learning and rate of learning;

(b) Other evaluation methods such as formal tests or informal assessment methods designed by teachers to determine the student's instructional level and rate of learning related to specific academic programs;

(c) Student interest, style, and learning preferences information from inventories or interviews; and

(d) Other measures determined by the school district to be relevant to the appropriate academic instructional program for the student.

Stat. Auth.: ORS
Stats. Implemented: ORS
Hist.: EB 6-1995, f. & cert. ef. 1-24-95

Special Education for the Handicapped

581-22-410 Each school district shall provide an educational program for all resident handicapped children eligible under ORS Chapter 343. The program shall be carried out in accordance with all applicable Oregon Administrative Rules.

Stat. Auth.: ORS Ch. 326
Stats. Implemented: ORS 343.041
Hist.: 1EB 19-1980, f. 6-17-80, ef. 7-1-80; 1EB 26-1980, f. 11-7-80, ef. 9-1-81

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Plan of Instruction

Infectious Diseases Including Acquired Immune Deficiency Syndrome (AIDS), AIDS-Related Complex (ARC), Human Immunodeficiency Virus (HIV), and Hepatitis B

581-22-412 (1) Each school district shall incorporate an age-appropriate plan of instruction about infectious diseases, including Acquired Immune Deficiency Syndrome (AIDS), AID-Related Complex (ARC), Human Immunodeficiency Virus (HIV), and Hepatitis B as an integral part of the health education curriculum throughout its elementary, middle and senior grade levels. In addition, at least annually, all senior high students shall receive age appropriate instruction about AIDS, ARC, HIV, and Hepatitis B:

(a) The plan of instruction required by this rule shall be developed cooperatively by parents, teachers, school administrators, local health department staff, other community representatives and persons from the medical community who are knowledgeable of the latest scientific information;

(b) Local school boards shall approve the plan of instruction and require that it be updated in accordance with new scientific information;

(c) Any parent may request that his/her child be excused from that portion of the instructional program required by this rule under the procedures set forth in ORS 336.035(2) or OAR 581-22-415.

(2) The plan of instruction shall include information:

(a) About hygienic practices which reduce the risk of exposure to HIV, Hepatitis B and other infectious diseases;

(b) Designed to allay those fears concerning HIV which are scientifically groundless;

(c) That promotes abstinence for school-age youth and monogamous relationships for adults as the safest and most responsible sexual behaviors;

(d) About responsible sexual behaviors which may reduce or eliminate exposure to HIV and other sexually transmitted diseases;

(e) About the high risks of contracting HIV, Hepatitis B and other infectious diseases through sharing intravenous drug needles or syringes.

Stat. Auth.: ORS Ch. 326
Stats. Implemented: ORS 336.455
Hist.: EB 20-1988, f. & cert. ef. 4-26-88; EB 35-1988(Temp), f. & cert. ef. 8-3-88

[**ED. NOTE:** The text of Temporary Rules is not printed in the Oregon Administrative Rules Compilation. Copies may be obtained from the adopting agency or the Secretary of State.]

Prevention Education Programs in Drugs and Alcohol

581-22-413 The statutory authority for this rule is ORS 326.010 and Chapter 1076, 1989 Oregon Session Laws:

(1) Each school district shall develop a plan for a drug and alcohol prevention program which shall include:

(a) Drug and alcohol prevention instruction as an integral part of the district's comprehensive health education program. In addition, at least annually, all senior high school students shall receive age-appropriate instruction about drug and alcohol prevention:

(A) The age-appropriate curriculum for this instruction shall:

(i) Emphasize prevention;

(ii) Be reviewed and updated annually to reflect current research; and

(iii) Be consistent with State Board adopted Health Education Common Curriculum Goals.

(B) Basic information shall include:

(i) The effects of alcohol, tobacco, and other drug use;

(ii) All laws relating to the use, especially by minors, of alcohol and other illegal drugs; and

(iii) The availability of school and community resources.

(C) The instructional program shall include activities which will assist students in developing and reinforcing skills to:

(i) Understand and manage peer pressure;

(ii) Understand the consequences of consuming alcohol and other drugs;

(iii) Make informed and responsible decisions; and

(iv) Motivate students to adopt positive attitudes towards health and wellness.

(b) A public information program for students, parents, and district staff; and

(c) Policies, rules, and procedures which:

(A) Include a philosophy statement relating to drug-free schools;

(B) Define the nature and extent of the district's program, including a plan to access and use federal funds;

(C) State that alcohol, tobacco, and other drug use by student is illegal and harmful;

(D) In accordance with OAR 581-21-050 and 581-21-055, indicate the consequences for using and/or selling alcohol and other drugs, including the specific rule of the school as it relates to law enforcement agencies;

(E) Describe the district's intervention and referral procedures, including those for drug-related medical emergencies;

(F) Indicate clearly that the school district's jurisdiction includes all school sponsored events including student activities; and

(G) Are reviewed and updated annually beginning with the 1990 - 91 school year.

(2) The district's drug and alcohol prevention and intervention program shall be approved by the school district board after consultation from parents, teachers, school administrators, local community agencies, and persons from the health or alcohol and drug service community who are knowledgeable of the latest research information.

(3) Staff development in the district shall:

(a) Inform all staff of the district plan and their responsibilities within that plan; and

(b) Provide drug and alcohol prevention education to all staff.

Stat. Auth.: ORS Ch. 326
Stats. Implemented: ORS 336.067 & 336.235
Hist.: EB 30-1989, f. & cert. ef. 10-24-89

Exemptions

581-22-415 (1) The school district may excuse students from a state required program or learning activity, where necessary, to accommodate students' disabilities or religious beliefs.

(a) Approval of the exemption shall be based upon and shall include:

(A) A written request from the student's parent or guardian or the student, if the student is 18 years of age or older or a legally emancipated minor, listing the reasons for the request and a proposed alternative for an individualized learning activity which substitutes for the period of time exempt from the program and meets the goals of the learning activity or course being exempt.

(B) An evaluation of the request and approval by appropriate school personnel (the alternative should be consistent with the student's educational progress and career goals as described in OARs 581-22-602 and 581-22-702).

(b) Following approval by the district school board, and upon completion of the alternative, credit shall be granted to the student.

(2) The school district may approve and grant credit to a student for the alternative to a state required program or learning activity if the procedures in section (1) of this rule are followed.

Stat. Auth.: ORS 326.051
Stats. Implemented: ORS 326.051
Hist.: 1EB 19-1980, f. 6-17-80, ef. 7-1-80; 1EB 15-1981, f. & ef. 11-3-81; EB 7-1996, f. & cert. ef. 5-24-96

Elementary Curriculum

581-22-420 The school district shall:

(1) Instruct all students in kindergarten in a planned program that emphasizes the physical, social, emotional and cognitive development of young children.

(2) Instruct all students in Grades K/1 through 6 leading to the achievement of the Common Curriculum Goals expected of all Oregon students as adopted by the State Board of education in the areas of art, health education, language arts (including reading and writing), mathematics, music, physical education, science, and social studies (including geography and history).

(3) Instruct all students in Grades 7 and 8 leading to achievement of the Common Curriculum Goals expected of all Oregon students as adopted by the State Board of Education in the areas of health education, language arts (including reading and writing), mathematics, physical education, science, and social studies (including geography and history).

(4) Provide elective classes available for instruction in the fine and/or applied arts in at least Grade 7 or 8.

(5) Instruct all students in Grades K through 8 in a planned program that shall provide them with the knowledge and skills necessary for successful progress in high school.

Stat. Auth.: ORS Ch. 326
Stats. Implemented: ORS 326.051
Hist.: 1EB 19-1980, f. 6-17-80, ef. 7-1-80; 1EB 4-1986, f. 1-23-86, ef. 2-1-86; EB 3-1989, f. & cert. ef. 1-23-89

High School Curriculum

581-22-425 (1) The school district shall provide instructional opportunities which enable students:

(a) To acquire knowledge and skills consistent with the Common Curriculum Goals adopted by the State Board of Education; and

(b) To meet state requirements for graduation.

(2) The school district shall provide students with elective educational opportunities in applied arts, fine arts, foreign language and vocational education, sufficient to meet graduation requirements.

Stat. Auth.: ORS Ch. 326
Stats. Implemented: ORS 326.051
Hist.: 1EB 19-1980, f. 6-17-80, ef. 7-1-80; 1EB 4-1986, f. 1-23-86, ef. 2-1-86

Interscholastic Activity Organizations

581-22-435 A school district shall allow only those organizations to administer interscholastic activities within the district which have been approved by the State Board of Education under procedures of OAR 581-21-034.

Stat. Auth.: ORS Ch. 326
Stats. Implemented: ORS 326.051 & 339.430
Hist.: EB 15-1988, f. & cert. ef. 3-15-88

Distance Learning

581-22-440 [EB 31-1990, f. & cert. ef. 5-18-90;
Repealed by EB 10-1992,
f. & cert. ef. 4-7-92]

Instruction

Required Days of Instruction

581-22-502 [1EB 19-1980, f. 6-17-80, ef. 7-1-80;
1EB 3-1986, f. 1-23-86, ef. 7-1-87;
EB 19-1987(Temp), f. & ef. 9-25-87;
Repealed by EB 3-1996,
f. & cert. ef. 3-4-96]

Required Instructional Time

581-22-503 (1) Each school district shall annually adopt and implement a school calendar which provides its students at each grade level with the following minimum number of instructional hours:

(a) Grades 9 - 12--990 hours;
(b) Grades 4 - 8--900 hours;
(c) Grades 1 - 3--810 hours;
(d) Grades K--405 hours;

(e) A district unable to meet minimums for a particular grade level, e.g., when Grade 9 is part of a 7-9 configuration, should utilize the request for a waiver process set forth in OAR 581-022-0802.

(2) There shall be no fewer than 265 consecutive calendar days between the first and last instructional day of each school year at each grade level.

(3) No student shall be required to exceed the following number of instructional hours per day:

(a) Grades 9 -12--7 hours;
(b) Grades 4 - 8--6.5 hours;
(c) Grades K - 3--6 hours.

(4) School assemblies, student orientations, testing, parent-teacher conferences, and other instructionally related activities involving students directly may be included in the required instructional hours. However, transportation to and from school, passing times between classes, noninstructional recess and lunch periods shall not be included. Passing time is defined as those minutes between segments of the program that are apparent in the school's daily schedule.

(5) When approved by a local school board, annual instructional hour requirements stated in section (1) of this rule may be reduced as follows:

(a) Up to a total of 30 hours to accommodate staff development activities, pupil transportation schedules, or other local program scheduling arrangements;

(b) Up to a total of 14 hours of emergency school closures due to adverse weather conditions and facility failures.

(6) Student and staff activities related to the opening and closing of the school year, grade reporting, program planning, staff meetings, and other classroom and building management activities shall not be counted as instructional time or in the reductions provided for in subsection (5)(a) of this rule.

(7) For multiple shift programs, this rule applies to each shift (i.e., each student must have access to the minimum annual required hours of instruction).

(8) The instructional time requirement for twelfth-grade students may be reduced by action of a local school board for an amount of time not to exceed 30 hours of instructional time.

Stat. Auth.: ORS 326.011 & 326.051
Stats. Implemented: ORS 326.051
Hist.: EB 24-1989, f. & cert. ef. 8-2-89; EB 7-1991, f. & cert. ef. 5-13-91; EB 6-1996, f. & cert. ef. 4-25-96

Equal Educational Opportunities

581-22-505 Each district school board shall adopt written policies, and the school district shall maintain plans and programs, which assure equality of opportunity for all students as provided in OAR 581-21-045 and 581-21-046.

Stat. Auth.: ORS Ch. 326
Stats. Implemented: ORS 659.150
Hist.: 1EB 19-1980, f. 6-17-80, ef. 7-1-80

Personnel

581-22-510 (1) Teachers, specialists and administrators must hold valid Oregon certificates, and be assigned in accordance with the individual certificate, district policies, program goals and applicable statutes and administrative rules.

(2) Any school district employing teacher aides shall follow applicable Oregon Administrative Rules.

Stat. Auth.: ORS Ch. 326
Stats. Implemented: ORS 326.051
Hist.: 1EB 19-1980, f. 6-17-80, ef. 7-1-80

Daily Class Size

581-22-515 (1) The school district shall maintain class sizes and teacher assignments which promote effective practices consistent with the outcomes expected of each instructional program.

(2) In determining class sizes the following shall be considered:

(a) The teacher-student ratio of each class;

(b) The total number of students assigned per teacher;

(c) The number of subject preparations or grades per teacher;

(d) The support staff available to each teacher;

(e) The nature of the subjects taught in relation to each teacher's professional preparation;

(f) The appropriateness of instructional facilities and equipment;

(g) The course goals applicable to the particular class; and

(h) The extent to which class size varies from general statewide practice.

Stat. Auth.: ORS Ch. 326
Stats. Implemented: ORS 326.051
Hist.: 1EB 19-1980, f. 6-17-80, ef. 9-1-80

Instructional Materials

581-22-520 For each program and course in Grades K-12, each school district, on a cycle established by the State Board of Education, shall select and provide students with free appropriate instructional and resource materials. These materials shall contribute to the attainment of district, program and course or grade level goals and reflect recent knowledge, trends and technology in the field. Sufficient quantities shall be available to accommodate the number of students who will be using them at any one time.

Stat. Auth.: ORS 326.120
Stats. Implemented: ORS 337.150
Hist.: 1EB 19-1980, f. 6-17-80, ef. 7-1-80; EB 38-1990, f. & cert. ef. 7-10-90; EB 8-1991(Temp), f. 6-19-91, cert. ef. 7-1-91; EB 7-1992, f. & cert. ef. 2-25-92

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Postponement of Purchase of State-Adopted Instructional Materials

581-22-530 If a district seeks to postpone regular purchase of state-adopted materials as required by ORS 337.120, it shall submit an application to the Department which shall include:

(1) The reason for seeking postponement;

(2) The subjects or categories for which postponement is sought;

(3) The projected dates for purchase and implementation of new instructional materials which shall not be later than one year from the beginning of the school year following the state adoption;

(4) Identification of the instructional materials to be used during the postponement;

(5) Assurance that the postponement will not delay future purchases in other subject areas; and

(6) Local school board approval of the application and the date of such approval.

Stat. Auth.: ORS 337.120(2)
Stats. Implemented: ORS 337.120
Hist.: EB 28-1992, f. & cert. ef. 10-14-92

Assessment and Evaluation

Individual Student Assessment, Recordkeeping and Reporting

581-22-602 Each district shall:

(1) Assess and record each student's progress in all subject areas of instruction, including the Common Curriculum Goals:

(a) Instruments and/or strategies used to determine student progress may assess multiple goals;

(b) Results from the assessment instruments and/or strategies may be used as a record of achievement level; and

(c) Records of student performance may be kept in teacher grade books, student folders, portfolios, or similar devices.

(2) Assist teachers in adapting instruction and curriculum to meet the needs and learning rates of all students in attaining the goals of the subject area.

(3) Annually report progress towards completion of graduation requirements to parents of students in Grades 9 - 12.

(4) Report at least annually on student progress in each subject area of instruction to parents of all students in Grades K - 12:

(a) Minimally, information on progress in each subject area (e.g., grades, checklists, folders, etc.) including major goals used to determine such information, shall be provided to parents; and

(b) Specific evidence of student progress on the goals of a subject area shall be shared with parents upon request.

(5) Maintain student records under the student's legal name or establish a cross reference system to locate the student's records by use of the student's legal name.

Stat. Auth.: ORS 107.154 & 326.051
Stats. Implemented: ORS 326.051
Hist.: 1EB 19-1980, f. 6-17-80, ef. 9-1-82; 1EB 21-1986, f. & ef. 7-2-86; EB 46-1990, f. & cert. ef. 10-15-90; EB 28-1991, f. & cert. ef. 11-29-91

Instructional Program Evaluation

581-22-606 Each district shall:

(1) Identify program needs at the district and, school levels by:

(a) Annually reviewing test results and other evaluative information (e.g., course enrollment patterns, student attitudes, grades, etc.; and

(b) Conducting program evaluations (defined in OAR 581-22-102(25)) in language arts, mathematics, science, health, physical education, social studies, arts, music, foreign language, applied arts, career education, and vocational education following the curriculum improvement cycle adopted by the State Board of Education.

(2) Based on needs identified in section (1) of this rule, develop and implement written program improvement plans for the district and each school to include, where appropriate, plans for:

(a) Staff development;

(b) Facilities and materials; and

(c) Curriculum revision.

(3) Annually report test results and progress on improvement plans to the community.

(4) Report test results to the Department of Education when requested.

Stat. Auth.: ORS Ch. 326
Stats. Implemented: ORS 326.051
Hist.: 1EB 19-1980, f. 6-17-80, ef. as follows: Section (1) 9-1-80; Sections (2), (4), (5) 9-1-81; Section (3) 7-1-80; 1EB 26-1980, f. 11-7-80, ef. as follows: Sections (1) and (3) 9-1-81; Sections (2), (4) and (5) 9-1-82; 1EB 21-1986, f. & ef. 7-2-86; EB 38-1990, f. & cert. ef. 7-10-90

State Tests

581-22-610 The school district shall administer achievement tests provided by the Oregon Department of Education at specific grade levels. The results of these tests shall be used to satisfy the requirements specified in OAR 581-22-602 and 581-22-606 and as a method to evaluate compliance with OAR 581-22-402.

Stat. Auth.: ORS Ch. 326
Stats. Implemented: ORS 326.051
Hist.: 1EB 2-1985, f. 1-4-85, ef. 1-7-85; EB 14-1990(Temp), f. & cert. ef. 3-5-90

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Support Programs

Guidance and Counseling

581-22-702 (1) District Guidance and Counseling: Each school district shall provide a coordinated guidance and counseling program to support the educational and career development of students. The district shall:

(a) Adopt guidance and counseling program goals which assist students to:

(A) Develop decision-making skills;

(B) Obtain information about self;

(C) Understand the educational opportunities and alternatives available to them;

(D) Establish tentative career and educational goals;

(E) Accept increasing responsibility for their own actions;

(F) Develop skills in interpersonal relations; and

(G) Utilize school and community resources.

(b) Specify instructional, guidance and counseling activities for the achievement of goals;

(c) Assign guidance and counseling responsibilities to each school and to the appropriate personnel; and

(d) Evaluate guidance and counseling programs for all grades.

(2) School Guidance and Counseling: Each school shall provide a guidance and counseling program which:

(a) Specifies goals including those assigned to the school district program;

(b) Identifies staff responsibilities and instructional, guidance and counseling activities to achieve guidance program goals;

(c) Identifies each student's guidance and counseling needs;

(d) Assists each student to develop an educational plan in Grades 9 - 12 which identifies a tentative career goal and reviews the student's progress at least annually; and

(e) Assigns each student to a certificated staff member for individual support and advice.

(3) Guidance Staff Assignments: Each school district shall maintain a guidance staff which promotes effective guidance practices consistent with the district's expected guidance program outcomes. In determining staffing for the program, the following shall be considered:

(a) The number of students assigned to a certificated counselor;

(b) The number of aides or clerical staff assigned to the guidance program; and

(c) The extent to which the staffing pattern varies from general statewide practices.

Stat. Auth.: ORS Ch. 326
Stats. Implemented: ORS 326.051
Hist.: 1EB 19-1980, f. 6-17-80, ef. 9-1-81

Health Services

581-22-705 (1) The school district shall maintain a prevention oriented health services program for all students which provides:

(a) Emergency health care space that is adequately equipped for providing first aid and isolates the sick or injured child from the general student body;

(b) Communicable disease control, as provided in Oregon Revised Statutes;

(c) Health records and health record information;

(d) Adaptation of services for students with special health needs;

(e) Coordination with the health education program;

(f) Vision and auditory screening; and

(g) Coordination with local public health services agencies.

(2) School districts shall adopt policies and procedures which consider admission, placement and supervision of students with infectious disease including Hepatitis B, Human Immunodeficiency Virus (HIV) and Acquired Immune Deficiency Syndrome (AIDS).

(3) School nurses employed by a school district shall be licensed to practice as registered nurses.

(4) At least one staff member for each 60 students in each school shall hold a current, recognized first aid card. No school shall have less than one staff member who holds a current, recognized first aid card.

(5) The school district shall have policies and/or administrative procedures concerning employees with infectious diseases including Hepatitis B, Human Immunodeficiency Virus (HIV) and Acquired Immune Deficiency Syndrome (AIDS).

Stat. Auth.: ORS Ch. 326 & 342
Stats. Implemented: ORS 326.051
Hist.: 1EB 19-1980, f. 6-17-80, ef. 9-1-80; 1EB 16-1981 (Temp), f. & ef. 11-3-81; 1EB 12-1982, f. & ef. 3-24-82; EB 21-1988, f. & cert. ef. 4-26-88

[**ED. NOTE:** The text of Temporary Rules is not printed in the Oregon Administrative Rules Compilation. Copies may be obtained from the adopting agency or the Secretary of State.]

Emergency Plans and Safety Programs

581-22-706 The school district shall maintain a comprehensive safety program for all employees and students which shall:

(1) Include plans for responding to emergency situations.

(2) Specify general safety and accident prevention procedures with specific instruction for each type of classroom and laboratory.

(3) Provide instruction in basic emergency procedures for each laboratory, shop and studio, including identification of common physical, chemical, and electrical hazards.

(4) Require necessary safety devices and instruction for their use.

(5) Require that an accident prevention inservice program for all employees be conducted periodically and documented.

(6) Provide assurance that each student has received appropriate safety instruction.

(7) Provide for regularly scheduled and documented safety inspections which will assure that facilities and programs are maintained and operated in a manner which protects the safety of all students and employees.

(8) Require reports of accidents involving school district property, or involving employees, students or visiting public, as well as prompt investigation of all accidents, application of appropriate corrective measures, and monthly and annual analyses of accident data and trends.

Stat. Auth.: ORS Ch. 326
Stats. Implemented: ORS 326.051
Hist.: 1EB 19-1980, f. 6-17-80, ef. 9-1-80

Asbestos Management Plans

581-22-707 (1) The statutory authority for this rule is the Asbestos Hazard Emergency Response Act of 1986 as amended by Public Law 100.368 and subsequent rule published in the Friday, October 30, 1987, Federal Register (**40 CFR Part 763**).

(2) Any public and private school that acquires or leases a school building after October 12, 1988 shall submit an Asbestos Management Plan to the Department of Education prior to occupancy.

(3) The Management Plans shall include all the elements contained in **40 CFR §763.93(e)**.

(4) General local education agency responsibilities (as stated in **40 CFR §763.84**). Each local education agency shall:

(a) Ensure that the activities of any persons who perform inspections, reinspections, and periodic surveillance, develop and update management plans, and develop and implement response actions, including operations and maintenance, are carried out in accordance with **Subpart E (40 CFR 763)**;

(b) Ensure that all custodial and maintenance employees are properly trained as required by **Subpart E (40 CFR 763)** and other applicable federal and/or state regulations (e.g., the Occupational Safety and Health Administration asbestos standard for construction, the EPA worker protection rule);

(c) Ensure that workers and building occupants, or their legal guardians, are informed at least once each school year about inspections, response actions, and post-response action activities, including periodic reinspection and surveillance activities that are planned or in progress; or

(d) Ensure that short-term workers (e.g., telephone repair workers, utility workers, or exterminators) who may come in contact with asbestos in a school are provided information regarding the locations of Asbestos Containing Building Material (ACBM) and suspected ACBM assumed to be Asbestos Containing Material (ACM);

(e) Ensure that warning labels are posted in accordance with **§763.95**;

(f) Ensure that management plans are available for inspection and notification of such availability has been provided as specified in the management plan under **§763.93(g)**;

(g)(A) Designate a person to ensure that requirements of this section are properly implemented; and

(B) Ensure that the designated person receives adequate training to perform duties assigned under this section. Such training shall provide, as necessary, basic knowledge of:

(i) Health effects of asbestos;

(ii) Detection, identification, and assessment of ACM;

(iii) Options of controlling ACBM;

(iv) Asbestos management programs;

(v) Relevant federal and state regulations concerning asbestos, including those in **Subpart E (40 CFR 763)** and those of the Occupational Safety and Health Administration, U.S. Department of Labor, the U.S. Department of Transportation and the U.S. Environmental Protection Agency.

(h) Consider whether any conflict of interest may arise from the inter-relationships among accredited personnel and whether that should influence the selection of accredited personnel to perform activities under this subpart.

[**Publications:** The publication(s) referred to or incorporated by reference in this rule are available from the Department of Education.]

Stat. Auth.: ORS Ch. 763
Stats. Implemented: ORS 326.051
Hist.: EB 31-1988(Temp), f. & cert. ef. 7-25-88; EB 5-1989, f. & cert. ef. 1-23-89; EB 11-1991, f. & cert. ef. 7-15-91

[**ED. NOTE**: The text of Temporary Rules is not printed in the Oregon Administrative Rules Compilation. Copies may be obtained from the adopting agency or the Secretary of State.]

Media Programs

581-22-710 (1) School District Media Services: The school district shall provide a coordinated media program. The district shall:

(a) Adopt program goals for:

(A) Media instruction for all grade levels; and

(B) Support services.

(b) Provide appropriate instructional facilities, materials, equipment, and services which support the school district, program and course goals;

(c) Assign responsibilities to certificated media specialists and other personnel for the development, implementation, maintenance, and supervision of media services;

(d) Organize media services and materials required for the achievement of district and building media program goals; and

(e) Evaluate district and school media programs.

(2) School Media Services: The school district shall provide in each school a media program consistent with district, program and course goals which:

(a) Provides an organized media center with materials, equipment and services supervised by appropriate certificated personnel;

(b) Identifies instructional activities designed to achieve media skills goals; and

(c) Includes instruction that addresses the ability of each student to:

(A) Locate and retrieve organized print and nonprint media;

(B) Use media to record and express ideas and knowledge; and

(C) Listen to, view, interpret and analyze media materials.

(3) In determining whether the assignment of certificated media and other staff is appropriate, the following shall be considered:

(a) The district, program and course goals of the media services program;

(b) The number of schools, students and staff to be served;

(c) The access students and staff have to media services defined in the media program;

(d) The number, certification and training of personnel assigned to media program responsibilities including specialists, teachers and aides;

(e) The extent to which staffing patterns vary from general statewide practice; and

(f) The extent to which the media program enables students to attain instructional goals.

Stat. Auth.: ORS Ch. 326
Stats. Implemented: ORS 326.051
Hist.: 1EB 19-1980, f. 6-17-80, ef. 9-1-80

Operating Policies and Procedures

581-22-712 The school district shall:

(1) Keep copies of operating policies, procedures and rules adopted pursuant to ORS 332.107, and shall make such information available upon request.

(2) Use a process of management planning in the areas of staffing, instruction, facility maintenance and construction.

(3) Maintain and make available upon request evidence of compliance with the standards.

(4) By January 15 of each school year, report to the community the district's status in relation to the state standards.

Stat. Auth.: ORS Ch. 326
Stats. Implemented: ORS 326.051
Hist.: 1EB 19-1980, f. 6-17-80, ef. as follows: Sections (1) and (3) 7-1-80; Section (2) 9-1-81; Section (4) 9-1-80

Personnel Policies

581-22-715 (1) The school district shall adopt and implement personnel policies which address:

(a) Affirmative action;

(b) Staff development;

(c) Equal employment opportunity;

(d) Evaluation procedures; and

(e) Employee communication system.

(2) The evaluation procedures required in section (1) of this rule shall include:

(a) Job descriptions, and performance standards which include but are not limited to items stated in the job descriptions;

(b) A preevaluation interview which includes but is not limited to the establishment of performance goals for the teacher, based on the job description and performance standards;

(c) An evaluation based on written criteria which include the performance goals; and

(d) A post-evaluation interview in which:

(A) The results of the evaluation are discussed with the teacher; and

(B) A written program of assistance for improvement is established, if one is needed to remedy the problem.

(3) Personnel policies shall be accessible to any school employee and notice of their availability to the general public shall be published:

(a) A current copy shall be accessible in each school office and library; and

(b) Any organization which represents employees of the district shall be furnished a copy and revisions as they are made.

(4) Bonded Employees: All employees responsible for funds, fees or cash collections shall be bonded in compliance with Oregon Revised Statutes and Oregon Administrative Rules.

(5) Employees for whom a teaching certificate is not required: The school district shall give to each such employee an individual written notice of reasonable assurance of continued employment as required by ORS 342.617.

Stat. Auth.: ORS Ch. 326 & 342
Stats. Implemented: ORS 326.051
Hist.: 1EB 19-1980, f. 6-17-80, ef. as follows: Sections (1)(a), (A), (C), and (E), (1)(b), (A), (B) and (2) 7-1-80; Section (1)(a), (B) 9-1-81; Section (1)(a)(D) 9-1-80; 1EB 18-1985, f. & ef. 12-2-85; 1EB 15-1986, f. 4-25-86, ef. 4-28-86; EB 19-1988, f. & cert. ef. 3-18-88

Fingerprinting of Subject Individuals in Positions Not Requiring Licensure as Teachers, Administrators, Personnel Specialists, School Nurses

OAR 581-22-716 (1) Definitions of terms shall be as follows:

(a) "Subject individual" means:

(A) Any person newly hired after December 31, 1993 by a school district or an education service district into a position having direct, unsupervised contact with students and not requiring licensure under either ORS 342.120 to 342.200 or 342.455;

(B) Any person newly hired after December 31, 1993 as or by a contractor into a position having direct, unsupervised contact with students and not requiring licensure under either ORS 342.120 to 342.200 or 342.455;

(C) Any person included above unless the current employer has on file evidence from a previous employer documenting a successfully completed Oregon and FBI criminal records check. The Oregon Department of Education or the Teacher Standards and Practices Commission verification of a previous check shall be acceptable only in the event the employer can demonstrate records are not otherwise available. Additional evidence that the employee has not resided outside the state between the two periods of time working in the district shall be maintained;

(D) An individual currently employed by a school district either part time or full time, who has direct, unsupervised contact with children.

(b) "Direct, unsupervised contact with students" means contact with students that provides the person opportunity and probability for personal communication or touch when not under direct supervision;

(c) "Fee" means the total charges assessed the local school district's State School Fund by the Department of Education for processing each fingerprint card submitted. The fee amount and distribution shall be as follows:

(A) Oregon State Police (OSP) - $12;
(B) Federal Bureau of Investigation (FBI) - $24;
(C) Oregon Department of Education -$ 6;
(D) TOTAL - $42.

(d) "Information to be required" means all information requested by the Oregon Department of Education for processing the fingerprint application, including the following:

(A) Two properly completed FBI fingerprint cards #USGPO 1990-262-201-2000, and

(B) A properly completed Department of Education form #581-2283;

(e) "Convictions of crimes prohibiting employment, contract or assignment by a contractor" means, notwithstanding any other statutes or Oregon administrative rule, conviction of a crime listed in ORS 342.143, or making a false statement as to the conviction of a crime;

(f) "Applicant" means a subject individual for whom fingerprint cards and other required information have been submitted to the Oregon Department of Education for a criminal history check and review;

(g) "Newly hired" means the employment of a person after application or request for a position having direct, unsupervised contact with students without regard to that person's current or previous employer; and

(h) "School district" means a taxing district providing public elementary or secondary education, or any combination thereof, within the state; an education service district; the Oregon School for the Blind; the Oregon School for the Deaf; and an educational program under the Juvenile Corrections Education Program.

(2) School districts and education service districts shall adopt and implement local board policy related to fingerprint collection and processing which shall:

(a) Specify the criteria for determining which staff positions will warrant consideration for subject individuals as defined in this rule. The local districts shall publish a list of those positions affected;

(b) Specify the format used to notify subject individuals that fingerprinting and criminal record checks are required by law and that any action resulting from those checks may be appealed as a contested case;

(c) Provide a clear statement of district response to notification by the Superintendent of Public Instruction or the State Board of Education regarding persons who have either been convicted, or have made a false statement as to the conviction of any of the crimes prohibiting employment that are listed in section (9) of this rule;

(d) Specify that subject individuals may begin to carry out terms of a contract or employment on a probationary basis pending the return of criminal record checks by the FBI;

(e) Identify that employment shall be offered prior to collecting fingerprint cards for submission to the Department of Education and that fees may be collected from the applicant. The applicant may request that the amount of the fee be withheld from the amount otherwise due the individual, and the school district shall withhold the amount only upon the request of the subject individual; and

(f) Identify a procedure which ensures the integrity of fingerprint collection and will prevent any possible compromise of the process.

(3) Fingerprints may be collected by one of the following:

(a) Employing school district staff;

(b) Contracted agent of employing school district;

(c) Local or state law enforcement agency.

(4) School districts and education service districts shall send to the Department of Education for purposes of a criminal records check any information, including fingerprints for each subject individual defined in this rule:

(a) Immediately following offer and acceptance of employment or contract;

(b) Subject individuals described in section (1)(a)(D) of this rule whose birth month is January, February, or March shall submit by January 1, 1997;

(c) Subject individuals described in section (1)(a)(D) of this rule whose birth month is April, May, or June shall submit by January 1, 1998;

(d) Subject individuals described in section (1)(a)(D) of this rule whose birth month is July, August, or September shall submit by January 1, 1999; and

(e) Subject individuals described in section (1)(a)(D) of this rule whose birth month is October, November, or December shall submit by January 1, 2000;

(5) The Department of Education shall request criminal information from the Department of State Police in the manner prescribed by law and may charge the school district a fee not to exceed the actual cost of acquiring and furnishing the information.

(6) The Oregon Department of Education shall review the criminal records of subject individual upon the district's submission of the required FBI and state forms and the State Superintendent of Public Instruction or designee shall issue a statement of criminal history status and related impact on employment or contract qualification. The Superintendent of Public Instruction or designee shall also notify the school district if the subject individual has made a false statement as to conviction of a crime.

(7) The Oregon Department of Education shall not provide copies of criminal records to anyone except as provided by law. The subject individual may inspect his or her personal criminal records under the supervision of properly certified LEDS (Law Enforcement Data Systems) personnel at the Department of Education.

(8) Subject individuals who refuse to consent to the criminal records check or refuse to be fingerprinted shall be terminated from employment or contract status by the district.

(9) Subject individuals who have been convicted of any of the crimes listed in ORS 342.143, or the substantial equivalent of any of those crimes if the conviction occurred in another jurisdiction or in Oregon under a different statutory name or number, or have made a false statement as to the conviction of a crime, shall be refused continued employment or have employment terminated upon notification from the Superintendent of Public Instruction. The crimes listed in ORS 342.143 (1995 Replacement Part) are:

(a) ORS 163.095 - Aggravated Murder;
(b) ORS 163.115 - Murder;
(c) ORS 163.235 - Kidnapping in the First Degree;
(d) ORS 163.355 - Rape in the Third Degree;
(e) ORS 163.365 - Rape in the Second Degree;
(f) ORS 163.375 - Rape in the First Degree;
(g) ORS 163.385 - Sodomy in the Third Degree;
(h) ORS 163.395 - Sodomy in the Second Degree;
(i) ORS 163.405 - Sodomy in the First Degree;
(j) ORS 163.408 - Unlawful Sexual Penetration in the Second Degree;
(k) ORS 163.411 - Unlawful Sexual Penetration in the First Degree;
(l) ORS 163.415 - Sexual Abuse in the Third Degree;
(m) ORS 163.425 - Sexual Abuse in the Second Degree;
(n) ORS 163.427 - Sexual Abuse in the First Degree;
(o) ORS 163.435 - Contributing to the Sexual Delinquency of a Minor;
(p) ORS 163.445 - Sexual Misconduct;
(q) ORS 163.455 - Accosting for Deviant Purposes;
(r) ORS 163.465 - Public Indecency;
(s) ORS 163.515 - Bigamy;
(t) ORS 163.525 - Incest;
(u) ORS 163.547 - Child Neglect in the First Degree;
(v) ORS 163.575 - Endangering the Welfare of a Minor;
(w) ORS 163.670 - Using Child in Display of Sexually Explicit Conduc;t
(x) ORS 163.675 - Sale of Exhibition of Visual Reproduction of Sexual Conduct by Child;
(y) ORS 163.680 - Paying for Viewing Sexual Conduct Involving a Child;
(z) ORS 164.325 - Arson in the First Degree;
(aa) 167.007 - Prostitution;
(bb) 167.012 - Promoting Prostitution;
(cc) 167.017 - Compelling Prostitution;
(dd) 167.062 - Sadomasochistic Abuse or Sexual Conduct in Live Show;
(ee) 167.065 - Furnishing Obscene Materials to Minors;
(ff) 167.070 - Sending Obscene Materials to Minors;
(gg) 167.075 - Exhibiting an Obscene Performance to a Minor;
(hh) 167.080 - Displaying Obscene Materials to Minors;
(ii) 167.087 - Disseminating Obscene Materials;
(jj) 167.090 - Publicly Displaying Nudity or Sex for Advertising Purposes;
(kk) 475.995 - Distribution of Controlled Substance to Minors;
(ll) 475.999 - Manufacture or Delivery of controlled Substance to Minor or Student Within 1,000 Feet of School.

(10) Evaluations of crimes shall be based on Oregon laws in effect at the time of conviction, regardless of the jurisdiction in which the conviction occurred.

(11) Applicants may appeal a determination which prevents their employment or eligibility to contract with a school district as a contested case under ORS 183.413 to 183.470 to the Oregon Superintendent of Public Instruction.

(12) The Oregon Department of Education shall assure the destruction of all fingerprint cards, facsimiles or other materials from which fingerprints can be reproduced within 90 days of the return of the card used by the FBI unless required for evidence in a contested case. Cards used in contested cases will be destroyed at the direction of adjudication or within 90 days following

case resolution, whichever is appropriate.

(13) Only cards and forms approved by the Department of Education will be accepted. The Department of Education will return any incomplete or incorrectly completed fingerprint cards and associated forms without taking any other action.

(14) The Department of Education shall maintain a record of all properly submitted fingerprint cards. The record shall include at least the following:

(a) Card sequence number;
(b) District submitting the cards;
(c) Name of person collecting the fingerprints;
(d) Date cards and Department form received;
(e) Date incomplete card returned to district (only if applicable);
(f) Date completed cards (2) sent to Oregon State Police;
(g) Date denial or probationary approval sent to district;
(h) Date FBI card returned to Department;
(i) Date denial or final approval sent to district;
(j) Date notified of contested case (only if applicable);
(k) Date contested case concluded (only if applicable);
(l) Date cards destroyed;
(m) Date district's State School Fund or other designated account is billed.

Stat. Auth.: ORS 326.603
Stats. Implemented: HB 2123, 1995
Hist.: EB 34-1993, f. & cert. ef. 12-14-93; EB 23-1995, EB 23-1995, f. & cert. ef. 9-15-95

Records and Reports

581-22-717 (1) Required Records and Reports: The school district shall provide all records and reports required by the Oregon Department of Education.

(2) Student Activity Funds: The school district shall prescribe the purposes for which student activity funds may be obtained and used and the role of students in management and expenditure of funds.

(3) Education Records of Students: The school district shall maintain education records of students according to the provisions of OAR 581-21-210 through 581-21-440.

Stat. Auth.: ORS Ch. 326
Stats. Implemented: ORS 326.051
Hist.: 1EB 19-1980, f. 6-17-80, ef. 7-1-80; EB 24-1992, f. & cert. ef. 6-23-92; EB 27-1992(Temp), f. & cert. ef. 7-30-92; EB 29-1992, f. & cert. ef. 10-14-92; EB 31-1993(Temp), f. 10-6-93, cert. ef. 11-6-93; EB 5-1994, f. & cert. ef. 4-29-94

[**ED. NOTE:** The text of Temporary Rules is not printed in the Oregon Administrative Rules Compilation. Copies may be obtained from the adopting agency or the Secretary of State.]

Auxiliary Services

581-22-720 (1) Pupil Transportation Services: Pupil transportation provided by the school district shall comply with all applicable Oregon Revised Statutes and Oregon Administrative Rules.

(2) School Food Services: A school district operating a reimbursed student food service program shall comply with State Board of Education and State Health Division rules.

(3) Custodial Services: The school district shall maintain buildings and grounds to provide conditions conducive to health and safety of all persons and in accordance with all applicable Oregon Revised Statutes and Oregon Administrative Rules.

(4) Facilities: The school district shall provide physical facilities which are appropriate to instructional and support program activities.

(5) Equipment and Materials: The school district shall provide furniture, equipment and materials appropriate to instructional and support program activities.

Stat. Auth.: ORS Ch. 326
Stats. Implemented: ORS 326.051
Hist.: 1EB 19-1980, f. 6-17-80, ef. 7-1-80

Administration

Waivers

581-22-802 A school district may petition the State Superintendent of Public Instruction for a waiver of a specific standard. A petition shall specify the reason(s) the district is seeking the waiver and other relevant information. If it is determined that the request conforms with the intent of the standards, the State Superintendent shall recommend the waiver to the State Board. Requirements in Oregon Revised Statutes may not be waived.

Stat. Auth.: ORS Ch. 326
Stats. Implemented: ORS 326.051
Hist.: 1EB 19-1980, f. 6-17-80, ef. 7-1-80

Kindergarten Programs

581-22-803 (1) By July 1, 1989, the district school board of every common school district shall provide kindergarten facilities and programs free of charge to all kindergarten-age children residing in the district.

(2) Kindergarten programs are to be considered as an integral part of the public school system of Oregon.

(3) Kindergarten programs may be operated singly by the district, or jointly with other districts or Education Service Districts.

(4) Districts may contract their kindergarten programs with public or private providers that conform to standards adopted by the State Board of Education.

(5) District requests for an extension of the kindergarten requirement beyond July 1, 1989 shall be for reasons for extreme financial hardship, and shall be submitted to the State Superintendent on forms provided by the Department of Education. Such requests shall not be submitted prior to December 1 of the year preceding the school year for which the extension is requested:

(a) All requests shall address the following factors but shall not be limited thereto:

(A) The district has been required to reduce programs and/or personnel since July 1, 1986 in order to maintain required educational programs;

(B) The district's tax rate, audited per pupil expenditure and assessed value per pupil for the last three years as compared to the state average of districts of like size and type for each of these factors;

(C) The district's unemployment rate in the last three fiscal years as compared to the county/metropolitan service area average as reported by the State of Oregon Employment Department;

(D) The district's percentage of students participating in the free and reduced-fee school lunch programs during the last three years as compared to the state average;

(E) The district's ability to provide appropriate facilities to accommodate a kindergarten program;

(F) The district's attempts since July 1, 1985 to obtain voter approval of a levy which would have funded kindergarten programs.

(b) All requests must be accompanied by a plan of correction with related school board resolutions and administrative plans including schedules and activities for implementing kindergarten programs in the ensuing school year;

(c) School districts not providing kindergarten programs by July 1, 1989 and for which extensions have not been granted shall be considered "nonstandard schools" (ORS 327.103(3));

(d) School districts to which extensions are granted shall be considered "conditionally standard schools" (ORS 327.103(3)).

(6) For each request received, the State Superintendent shall propose a recommendation to the State Board of Education based on the data submitted by the requesting district.

(7) The State Board of Education may, upon review of the Superintendent's recommendations and data submitted by requesting districts, grant an extension of one year for reasons of extreme financial hardship.

Stat. Auth.: ORS Ch. 336
Stats. Implemented: ORS 326.051
Hist.: EB 12-1988, f. & cert. ef. 3-3-88

Appeals and Complaints

581-22-805 (1) **General Complaint Procedure**: Each school district shall implement a process for the prompt resolution of a complaint by a person who resides in the district or any parent or guardian of children attending school in the district. Unless specifically provided by state or federal law or administrative rule, the decision of the district shall be final.

(2) **Standard Complaint Procedure**: If the complaint alleges a violation of standards of the Oregon Administrative Rules in Chapter 581, Division 22, the complainant may direct an appeal to the State Superintendent of Public Instruction, after exhausting local procedures or after 45 days from filing a written complaint with the school district, whichever occurs first. The appeal shall be in writing and shall contain:

(a) The name and address of the person bringing the appeal, and the district in which that person resides;

(b) The name and address of the district which is alleged to have violated standards; and

(c) A brief statement indicating which standard the district is alleged to have violated and how the district is alleged to have violated it.

(3) Upon receipt of the appeal the State Superintendent shall determine whether a violation of standards has been properly alleged and the requirements of section (2) of this rule have been satisfied:

(a) If the State Superintended determines that the facts of complaint, if true, would be a violation of a standard, the appeal shall be accepted and the procedures listed in this rule in the following sections shall be applied;

(b) If the State Superintendent determines that the complaint, even if true, would not violate a standard, the appeal shall not be accepted. In either case, the State Superintendent shall give notice of the determination by certified mail to the complainant and the school district.

(4) Within 30 days of receipt of notice of the State Superintendent's acceptance of the appeal, the district shall submit a written report with the State Superintendent which shall include:

(a) A statement of facts;

(b) A statement of district action, if any, taken in response to the complaint, or if none was taken, the reason(s) therefore;

(c) A stipulation, if one was reached, of the settlement of the complaint; and

(d) A list of any complaints filed with another agency by the party, concerning the subject of the appeal.

(5) The State Superintendent may for good cause extend the time for the filing of a report by the district.

(6) Upon receipt of the district's report, the state Superintendent shall investigate the allegations of the complaint to the extent necessary and at the State Superintendent's discretion may:

(a) Authorize an on-site investigation; and

(b) Conduct interviews and review documents as deemed necessary.

(7) At any time during the appeal the parties may agree to settle the matter(s) at issue. The party bringing the appeal may at any time file a written request that the appeal be withdrawn. When such a request is received the State Superintendent shall terminate all further action regarding the appeal.

(8) The State Superintendent shall issue a written decision within 60 days of receiving the district's report that addresses each allegation in the complaint and contains reasons for the State Superintendent's decision as to whether or not the district is deficient. If the schools of the district are not open during the 60-day period due to summer vacation, the decision shall be issued within 60 days after the beginning of the school year.

(9) If a deficiency is found, the State Superintendent's written decision shall include any necessary corrective action to be undertaken by the district as well as any documentation to be supplied to ensure that the corrective action has occurred.

(10) If a deficiency is not corrected, the provisions of ORS 327.103 shall apply.

Stat. Auth.: ORS 327.103
Stats. Implemented: ORS 326.051
Hist.: 1EB 19-1980, f. 6-17-80, ef. 7-1-80; EB 14-1995, f. & cert. ef. 5-25-95

Standardization

581-22-807 A school, to be standard, must provide acceptable educational opportunities for all Oregon students regardless of where they live:

(1) Local school districts shall cooperate with

procedures to verify compliance with state standards, to collect information about schools, to identify exemplary performance, and to promote school improvement.

(2) Methods of verifying compliance and identifying practices or conditions needing improvement shall include:

(a) Assurances of the district school board designated chief administrative officer;

(b) Review of district materials through Department of Education desk audit;

(c) On-site review of practices or conditions; and

(d) Other methods selected by the Superintendent of Public Instruction.

Stat. Auth.: ORS Ch. 326
Stats. Implemented: ORS 326.051
Hist.: 1EB 3-1985, f. 1-4-85, ef. 1-7-85

DIVISION 23

SCHOOL FINANCE

Withholding of Basic School Support Funds

581-23-001 [1EB 11-1985(Temp),
f. & ef. 3-15-85]

[**ED. NOTE**: The following Administrative Orders relating to School Finance were previously adopted by the Department of Education: 1EB 20, filed 1-19-60; 1EB 48, filed 4-19-60; 1EB 52, filed 7-20-60; 1EB 56, filed 1-20-61; 1EB 74, filed 11-7-61; 1EB 96, filed 7-13-62.]

Distribution of Basic School Support Funds for Part-Time Programs

581-23-005 [1EB 118, f. 11-28-67, ef. 12-25-67;
1EB 134, f. 6-26-72, ef. 7-15-72;
1EB 182, f. 1-17-75, ef. 2-25-75;
1EB 232, f. 6-11-76, ef. 6-18-76;
Repealed by 1EB 2-1981,
f. 2-5-81, ef. 7-1-81]

Student Accounting Records and State Reporting

581-23-006 (1) The following definitions and abbreviations apply to this rule:

(a) "Active roll" means the list of students enrolled and attending the school or program during the current school year;

(b) "ADA" means average daily attendance;

(c) "ADM" means average daily membership;

(d) " Alternative program" means any private or public alternative program providing instruction or instruction combined with counseling under ORS 336.635;

(e) "Day in session" means a scheduled day of instruction during which students are under the guidance and direction of teachers;

(f) "Department" means the Oregon Department of Education;

(g) "Full school day" means the length of time a school or program is normally in session during the day in compliance with OAR 581-22-503;

(h) "FTE" means full-time equivalency;

(i) "Inactive roll" means the list of students enrolled for purposes of credit but not attending the school or program. Includes students attending private alternative or Job Corps programs, students withdrawn after ten consecutive days' absence and students served on a tutorial basis outside the classroom;

(j) "Instruction" for purposes of reimbursement of alternative programs means accountable activities as defined in OAR 581-023-0008;

(k) "Instructional unit" means a school or other organizational arrangement which provides instruction of a given type or types;

(l) "Intermediate group" means instruction provided by an alternative program approved by a school district to a class of six to 15 students;

(m) "Large group" means instruction provided by an alternative program approved by a school district to a class of 16 or more students;

(n) "Regular school program" means that which is offered to comply with the standards adopted by the State Board of Education and compulsory school attendance law. This does not include summer school, adult education, or prekindergarten programs;

(o) "Small group" means instruction provided by an alternative program approved by the school district to a class of two to five students;

(p) "Superintendent" means the State Superintendent of Public Instruction;

(q) "Tutorial" means instruction provided by an alternative program approved by a school district to one student.

(2) Instructions pertaining to the maintenance of student accounting records and state reporting shall be published by the Department.

(3) Each school district and ESD shall:

(a) Permanently maintain accounting records of student enrollment, attendance, membership, resident/nonresident status, and such other student information as may be required, for each student enrolled in regular school programs operating during the regular school year. Such records shall utilize uniform definitions of each student measure as stated in this rule;

(b) Designate the residency for school purposes, subject to the provisions of ORS 327.006 and ORS 339.133 of each student enrolled in the district;

(c) Have in operation an attendance accounting system which is adequately controlled and enables the district's chief administrator to certify in writing the accuracy of reported data;

(d) Report enrollment, attendance, membership, and such other information as the Superintendent may require, within 10 days of the end of the December 31, March 31, and June 30 reporting periods. Reports for the period ending September 30 shall be submitted no later than November 15;

(e) Retain daily source records of enrollment, membership and attendance for a period of no less than two years. Records, whether paper or electronic, must be maintained in an accessible format; and

(f) Utilize the following enrollment codes for recording entry, re-entry, and withdrawal of students during the regular school year.

(A) Original entries:

(i) E1--any student who has not previously, during the current year, entered any school in the United States;

(ii) E2--any student who has been enrolled during the current school year in a school in another state and who has not previously, during the current school year, been enrolled in any school in Oregon.

(B) Re-entries:

(i) R1--students received from another room in the same school;

(ii) R2--students received from a public school in the same school district;

(iii) R3--students received from a public school in the state but outside the local school district;

(iv) R4--students re-entering after withdrawal or discharge;

(v) R5--students received from a nonpublic school in the state.

(C) Withdrawals (or losses). Codes are recommended but not required:

(i) W1--students transferred to another room or classroom in the same building;

(ii) W2--students transferred to another public school in the same local district;

(iii) W3--students transferred to a nonpublic school in the same local district;

(iv) W4--students moved out of the local school district or state;

(v) W5--students quitting school after passing compulsory attendance age;

(vi) W6--students issued work permits;

(vii) W7--students graduated early;

(viii) W8--students withdrawn because of other reasons;

(ix) W --the total of W1 through W8.

(D) If a school district adopts a year-round schedule incorporating a track system in which one or more tracks are scheduled to cross school years (July 1 through June 30) the enrollment code shall be expanded to include:

(i) R9--students received from a different grade level within the same district;

(ii) W9--students transferred to a different grade level within the same district;

(iii) The use of the R9 and W9 codes shall be limited to those students who change grades within a track during the school year. A W9 entry shall be counted as a day of membership.

(4) Students shall be entered and withdrawn from the district roll as follows:

(a) A student shall be entered on the district active roll utilizing the appropriate E or R code on the first day of the student's actual attendance. A student with an excused absence of less than ten days at the beginning of the school year may be counted in membership prior to the first day of attendance if the status has been verified by contact with the parent or guardian. A student participating in the program of more than one instructional unit shall be entered on the active roll of that instructional unit in which 50 percent or more of the student's time is scheduled and the student shall not be entered on the roll of other instructional units;

(b) A student whose withdrawal status can be determined within ten days shall be marked as a withdrawal on the school day following that determination. A student must be withdrawn from the active roll on the day following the tenth consecutive full day of absence but may be retained on the inactive roll at the district's option. A student must be present for at least one-half day in order to restart the count of consecutive days' absence. Under no circumstances shall a student who is absent for the first ten days at the beginning of the school year be counted in membership prior to the first day of school attendance.

(5) Membership and attendance accounting in instructional units scheduled to operate a full school day shall be recorded as follows:

(a) A full-time equivalency (FTE) for each student on the active roll shall be determined. Students participating in more than one-half of the full-day program shall be given an FTE of 1.0. Students participating in one-half or less of the full-day program shall be given an FTE of .5. The FTE computation of students placed in community college programs by the local school district shall include time spent in the community college program:

(A) Kindergarten students shall be assigned an FTE of 1.0. The Department shall adjust the total days membership of kindergarten students reflecting the permissible percentage as stated in statute;

(B) Students participating in district supervised work-study programs may be credited as 1.0 FTE. If a student is released for work during school hours and the district assumes no supervisory responsibility for the time involved, that time shall not be counted as participation in the full-day program when determining the student's FTE.

(b) Membership of each student for the quarter shall be computed as follows: student FTE times days present plus student FTE times days absent equals total days membership of the student. The day upon which a student is marked as a W (except W9) shall not be counted as a day of membership. A student not scheduled to attend daily shall be marked present or absent only on the days the student is scheduled to attend;

(c) Total days membership of the instructional unit shall be the total of days membership of all students on the active roll of the instructional unit as computed in subsection (b) of this section. The computation of total days membership of the instructional unit shall yield subtotals indicating grade placement and resident/nonresident status of student membership;

(d) The Department shall compute the ADM and ADA of resident students, nonresident students, and attending students for each instructional unit reporting and derive totals of such data for each local school district in the state, subject to the following procedures:

(A) ADM is the total days membership of an instructional unit during a specific reporting period divided by the number of days the instructional unit was in session during that reporting period. The ADM of groups of instructional units having varying lengths of terms shall be the sum of the ADMs obtained for the individual instructional units. If a district school board adopts a class schedule that operates throughout the year under the provisions of ORS 336.012 for all or any instructional units in the district, the computation shall be made so that the resulting ADM will not be higher or lower than if the local board had not adopted such a schedule;

(B) ADA is the total days attendance of an instructional unit during a specific reporting period divided by the number of days the instructional unit was in session during that reporting period. The ADA of groups of instructional units having varying lengths of terms shall be the sum of the ADAs obtained for the individual instructional units. If a district school board adopts a class schedule that operates throughout the year under the provisions of ORS 336.012 for all or any instructional units in the district, the computation shall be made so that the resulting ADA will not be higher or lower than if the local board had not adopted such a schedule.

(6) Students enrolled in programs operating less than the full school day and nonpublic school students attending public schools part time shall be accounted for as follows:

(a) The ADM of students enrolled in schools under provisions of ORS 336.135 and students enrolled in nonpublic schools or taught by private teacher or parent under ORS 339.035 shall be computed by multiplying total hours of instruction given all students during the reporting period by .167 and dividing the product by 55 for the October 1 to December 31 quarterly report and by 175 for the June 30 annual report;

(b) The ADM of students receiving tutorial instruction provided by certified district staff shall be computed by dividing total number of hours of tutorial instruction given (not to exceed 5 hours per week for a single student) by 55 for the October 1 to December 31 quarterly report and by 175 for the June 30 annual report;

(c) The computation of ADM for each less than full-time program listed shall yield subtotals for resident and nonresident students;

(d) The ADM of students enrolled in less than full-time programs shall be reported to the Department for the quarter ending December 31 and for the year ending June 30.

(e) No more than five day's membership may be claimed for any student enrolled in any combination of programs during a one-week period.

(f) Kindergarten ADM will be adjusted by the Department to reflect the permissible percentage as stated in statute.

(7) Students enrolled in alternative education programs under ORS 336.635 shall be accounted for as follows:

(a) The ADM of students enrolled in alternative programs scheduled to operate a full school day may be computed either on the basis of membership (section (5) of this rule) or on the basis of actual attendance (section (7)(b) of this rule);

(b) Equivalent ADM of students enrolled in alternative programs scheduled to operate less than full time shall be computed as follows:

(A) Equivalent ADM of students enrolled in large group instruction shall be computed by multiplying total hours of instruction given all students during the reporting period by a factor of .167 and dividing the product by 55 for the October 1 to December 31 quarterly report and by 175 for the June 30 annual report;

(B) Equivalent ADM of students enrolled in intermediate group instruction shall be computed by multiplying the total hours of instruction given all students during the reporting period by a factor of .222 and dividing the product by 55 for the October 1 to December 31 quarterly report and by 175 for the June 30 annual report;

(C) Equivalent ADM of students enrolled in small group instruction shall be computed by multiplying the total hours of instruction by a factor of .333 and dividing the product by 55 for the October 1 to December 31 quarterly report and by 175 for the June 30 annual report;

(D) Equivalent ADM of students receiving individual instruction shall be computed by multiplying the total number of hours of tutorial instruction given by a factor of 1.0 and dividing the product by 55 for the October 1 to December 31 quarterly report and by 175 for the June 30 annual report;

(E) Case management services (not limited to student contact) may be counted as large group instruction and constitute up to ten percent of equivalent ADM if specifically authorized by contract with the resident school district;

(F) Documented time in supervised work experience programs, supervised community service activities and supervised independent study, if performed as a part of the instructional programs designed to fulfill the student's educational goals, may be counted as large group instruction;

(G) Over any 20-day period, no more than 25 equivalent membership days may be claimed for any student receiving a combination of instructional services under paragraph (7)(b)(A), (B), (C) or (D) of this rule. Equivalent membership days for any student is equal to the hours of instruction given multiplied by the factor appropriate for the size of the instructional group.

(c) Students attending alternative programs part day and attending the home high school part day shall be reported by the home high school only, taking account of the total time spent in the alternative program and the home high school when determining FTE under section (5) of this rule;

(d) Students attending private alternative programs only, shall not be reported by the instructional unit placing the student for purposes of reporting membership or attendance.

(8) Each private alternative program shall:

(a) Maintain accounting records of student attendance, size of group attended, resident school district and such other student information as may be required by the contracting school district for each student attending the private alternative program;

(b) Report student name, dates served and hours served by group size to resident school district no less than twice yearly, once for the October 1 through December 31 period and an annual report ten days after the close of the school year; and

(c) Retain student attendance records for a period of no less than two years.

(9) Students in the following programs are not eligible to be counted in the resident average daily membership for purposes of ORS 327.013(7)(a):

(a) Students enrolled in special education programs under ORS 343.261, 343.961, and 346.010.

(b) Children enrolled in early intervention and early childhood special education programs under ORS 343.533;

(c) Students not receiving a free public education;

(d) Students in summer school programs;

(e) Students in adult education classes.

(10) Rules governing the reporting of students identified as dropouts are contained in the most recent edition of the Oregon Dropout Reporting Manual, published by the Oregon Department Education. The State Board of Education adopts the procedures in this publication to govern the reporting of dropouts by school districts.

(11) For the purposes of dropout reporting, the following shall apply:

(a) A student is considered enrolled when the student is present at school and attends more than half of a school day;

(b) Acceptable alternative programs are those programs providing activities meeting OAR 581-23-008 and provided by public school districts, ESDs, community colleges or private alternative programs registered with the Oregon Department of Education under OAR 581-21-072;

(c) An absence, explained or unexplained becomes a withdrawal after an absence of 10 consecutive days. A student must be present for at least one-half day in order to restart the count of consecutive days absence;

(d) Standards for excused absences must be developed by local districts. Policies shall clearly define excused and unexcused absences and ensure the health and safety of the child. Parents shall be informed of the policies at enrollment. Policy should address the documentation required.

(12) The Superintendent shall prescribe the applicable student accounting procedures for any programs or specific situations not covered by the provisions of this rule.

(13) This rule is effective beginning with the 1996-97 school year.

Stat. Auth.: ORS 326.310 & 327.125
Stats. Implemented: ORS 325.125
Hist.: 1EB 1-1981, f. 2-5-81, ef. 7-1-81; 1EB 14-1985, f. 7-3-85, ef. 7-5-85; 1EB 28-1986, f. & ef. 7-18-86; EB 17-1987, f. & ef. 8-4-87; EB 18-1987(Temp), f. & ef. 8-4-87; EB 33-1987, f. & ef. 12-11-87; EB 38-1988, f. & cert. ef. 9-22-88; EB 30-1992, f. & cert. ef. 10-14-92; EB 6-1996, f. & cert. ef. 4-25-96

[ED. NOTE: The text of Temporary Rules is not printed in the Oregon Administrative Rules Compilation. Copies may be obtained from the adopting agency or the Secretary of State.]

Distribution of $7 Million Within the Basic School Support Fund

581-23-007 [EB 3-1988(Temp),
f. & cert. ef. 1-13-88]

Accountable Activities for Alternative Education Programs

581-23-008 Accountable activities for purposes of ORS 339.253 are defined as one or more of the following as approved by the school district by contract:

(1) Tutorial Instruction;

(2) Small group instruction;

(3) Large group instruction;

(4) Personal growth and development instruction;

(5) Counseling and guidance;

(6) Computer assisted instruction;

(7) Vocational training;

(8) Cooperative work experience and/or supervised work experience;

(9) Instructional activities provided by institutions accredited by the Northwest Association of Schools and Colleges;

(10) Supervised community service activities performed as part of the instructional program; and

(11) Supervised independent study in accordance with a student's educational goals.

Stat. Auth.: ORS Ch. 339
Stats. Implemented: ORS 327.125 & 336.625
Hist.: EB 34-1987, f. & ef. 12-11-87

Pupil Accounting in Districts Operating Year-Round Schedules

581-23-010 [1EB 52, f. 7-20-60, ef. 8-11-60;
1EB 134, f. 6-26-72, ef. 7-15-72;
1EB 184, f. 1-17-75, ef. 2-25-75;
Repealed by 1EB 2-1981,
f. 2-5-81, ef. 7-1-81]

Pupil Accounting Records

581-23-011 [1EB 234, f. & ef. 6-18-76;
Repealed by 1EB 2-1981,
f. 2-5-81, ef. 7-1-81]

Additional Remote Small School Weighting

581-23-015 (1) Qualifications for remote small school status for school districts organized in a manner other than 1 through 8 and 9 through 12:

(a) When grades 1-12 are located in the same building or in adjacent buildings, the Department of Education shall consider these schools to be organized on a 1-8 and 9-12 basis for small school correction purposes;

(b) In school districts where grades 1-12 or portions thereof are located in geographically separated buildings, the Department of Education shall consider these schools to be organized for small school correction purposes in the same manner as the school district boards considers these schools to be organized.

(2) To measure distances for remote small school qualification and calculation of additional weighted average daily membership the Department shall use the following criteria:

(a) From the closest, reasonable and prudent access point of an elementary school to the closest, reasonable and prudent access point of the nearest elementary school over the shortest practicable route on maintained public roadways; and

(b) From the closest, reasonable and prudent access point of a high school to the closest, reasonable and prudent access point of the nearest high school over the shortest practicable route on maintained public roadways.

(3) The additional weighting for each school qualifying as a remote small school shall be calculated based on the applicable formula stated in ORS 327.077.

(4) Questions regarding the administration of the remote small school weighting not specifically addressed by this rule shall be resolved by the State Superintendent of Public Instruction and the Superintendent's determination shall be final.

(5) The provisions of this administrative rule shall apply to the apportionment of the State School Fund for 1995-96 and subsequent years.

Stat. Auth.: ORS Ch. 327
Stats. Implemented: ORS 327.077 & 327.125
Hist.: 1EB 118, f. 11-28-67, ef. 12-25-67; 1EB 134, f. 6-26-72, ef. 7-15-72; 1EB 211, f. 1-19-76, ef. 2-11-76; 1EB 267, f. & ef. 11-8-77; 1EB 42-1978, f. 10-31-78, ef. 11-1-78; 1EB 1-1979, f. & ef. 1-30-79; 1EB 11-1980, f. & ef. 5-5-80; 1EB 10-1982, f. & ef. 3-24-82; 1EB 20-1982, f. & ef. 11-23-82; EB 6-1996, f. & cert. ef. 4-15-96

Methods for Adjusting Basic School Support Fund Apportionments for Boundary Changes

581-23-016 [EB 32-1990, f. & cert. ef. 5-18-90;
Repealed by EB 6-1996,
f. & cert. ef. 4-25-96]

Resident Enrollment and Resident Average Daily Membership by County Lines

581-23-018 To provide a basis for budgeting purposes and for final distribution of the Common School Fund and the County School Fund to the school districts, the following procedure shall be followed:

(1) Each school district with territory lying in more than one county (joint districts) shall report to

the Oregon Department of Education the resident enrollment by county lines as of December 31 and June 30 of each year. Resident enrollment is defined as the sum of E1 + E2 + R3 + R5 (as defined in OAR 581-23-006) for pupils who are legal residents of the school district, regardless of where they may attend school. Such reports shall be due within 15 days after the close of the respective quarters.

(2) The Department of Education will then prorate by county the resident average daily membership (ADM — As defined in ORS 327.006) of the joint districts in the same proportion as the district's resident enrollment is prorated between counties.

(3) By March 15 the Department of Education will certify to each Education Service District (ESD) or county school district the December 31 report of resident ADM by county lines. These data are to be used for purposes of budgeting each district's share of estimated receipts from the Common School Fund and the County School Fund.

(4) By November 1, the Department of Education will certify to each ESD or county school district the June 30 report of resident ADM by county lines. These data are to be used for purposes of final distribution to the districts of the Common School Fund and the County School Fund.

Stat. Auth.: ORS Ch. 326 & 327
Stats. Implemented: ORS 327.125 & 327.420
Hist.: 1EB 234, f. & ef. 6-18-76; 1EB 12-1981, f. 5-22-81, ef. 7-1-81

School Census

581-23-019 (1) By January 1 of each year, the Center for Population Research and Census certifies to the Oregon Department of Education and to the administrative office of each county an estimate of the population of each county between the ages of 4 and 20, as of October 25 of the previous year. This census is used as the basis for the apportionment of the distributable income account of the Common School Fund to the counties by the Division of State Lands, and also as the basis for determining the amount of the County School Fund mandated levy by the administrative office of each county.

(2) In order to satisfy statutory references to "school age children" or "school census", an estimated census for all common (unified and elementary) school districts shall be computed in the following manner:

(a) The Department of Education shall prorate the annual estimated school census of the state to each education service district or county school district in the same proportion as each education service district's or county school district's resident average daily membership (as defined in ORS 327.006) for the previous June 30 bears to the total resident average daily membership of the state. This census is certified by the Department of Education to each education service district or county school district by January 31 of each year;

(b) Each education service district or county district shall then prorate this school census to the common school districts within its jurisdiction according to the plan approved by the Superintendent of Public Instruction prior to January 1, 1973. Such distribution is to be reported by the education service district or county school district to the districts and the Department of Education by March 15 of each year. This district census is used only for satisfaction of the above mentioned statutory references, and is not used for the distribution of any funds.

Stat. Auth.: ORS Ch. 326 & 327
Stats. Implemented: ORS 326.355
Hist.: 1EB 234, f. & ef. 6-18-76; 1EB 14-1985, f. 7-3-85, ef. 7-5-85

Distribution of Common School Fund

581-23-020 [1EB 134, f. 7-5-72, ef. 7-15-72;
Repealed by 1EB 234,
f. & ef. 6-18-76]

Admission and Tuition Payments of Dependent Children

581-23-021 [1EB 186, f. 3-6-75, ef. 3-25-75;
1 EB 233, f. 6-11-76, ef. 6-18-76;
1EB 17-1981, f. & ef. 12-23-81;
1EB 14-1985, f. 7-3-85, ef. 7-5-85;
EB 6-1990, f. & cert. ef. 1-26-90;
EB 4-1991, f. & cert. ef. 2-28-91;
Repealed by EB 6-1996,
f. & cert. ef. 4-25-96]

Juvenile Corrections Education Program Funding

581-23-022 (1) The following definitions shall apply for purposes of calculating the State School Fund distribution to the Juvenile Corrections Education Program:

(a) "Statewide Average General Purpose Grant per ADMw" means the aggregate general purpose grants for all school districts divided by total ADMw for all school districts;

(b) "ADM" means average daily membership for the Juvenile Corrections Education Program as calculated based on the procedures and definitions in OAR 581-23-006.

(2) If in any fiscal year the General Purpose Grant cannot be calculated as a result of temporary changes to the State School Fund distribution formula, the General Purpose Grant per ADMw shall be the same amount as in the last fiscal year that this factor was calculated.

(3) The amount of the distribution from the State School Fund to the Juvenile Corrections Education Program shall be equal to the product of the following calculation: ADM times 2.0 times Statewide Average General Purpose Grant per ADMw.

(4) Payments based on the amount calculated in section (3) of this rule shall be transferred to the Juvenile Corrections Education Program on the same schedule as for year-round schools in ORS 327.095(3).

(5) Adjustments to reflect actual Juvenile Correction Education Program ADM and the actual Statewide Average General Purpose Grant per ADMw shall be made on May 15 of the subsequent fiscal year.

(6) This rule applies to the State School Fund distribution for 1995-96 and subsequent school years.

Stat. Auth.: ORS 420.405
Stats. Implemented: ORS

Hist.: EB 9-1995, f. & cert. ef. 4-27-95; EB 6-1996, f. & cert. ef. 4-25-96

Early Intervention Handicapped Child Billing Procedure

581-23-023 [1EB 7-1984(Temp), f. & ef. 3-7-84; 1EB 14-1984, f. & ef. 9-27-84; Repealed by EB 24-1987, f. & ef. 10-20-87]

Apportionment of County School Fund for Students in Special Education Program

581-23-025 [1EB 134, f. 7-5-72, ef. 7-15-72; 1EB 225, f. & ef. 6-4-76; Repealed by 1EB 14-1981, f. & ef. 9-23-81]

Billing County School Fund for Certain Educational Programs

581-23-026 (1) For purposes of this rule:

(a) "Special education programs" means those programs referred to in ORS 343.261, 343.975, and 346.010;

(b) "County of residence" means the county in which the administrative office of the child's resident school district, as defined in ORS 343.283, is located.

(2) To provide a basis for billing a county school fund for the cost of educating students in one or more of such special education programs, the following procedure shall be used:

(a) Not later than January 31 of each year, the designated official for a school district, education service district, or state agency operating an educational program shall submit to the Oregon Department of Education, on a form provided by the Department, the following information regarding the program:

(A) The estimated number of days of instruction for the school year;

(B) Estimated number of students by county of residence; and

(C) Estimated total days membership by county, beginning with the first day of instruction for the student.

(b) The Department of Education shall compute an estimated cost, on the basis of the information provided, and before March 1 of each year shall notify the county executive officer (as defined in ORS 328.001 - 328.045) of the estimated billing for students residing in that county and attending one or more of the special education programs. In accordance with ORS 328.035, the executive officer shall consider the estimate as an obligation to be met from the county school fund for the following fiscal year, and in meeting that obligation shall prepare an estimate of receipts of each school district for budget purposes;

(c) Not later than July 15 of each year, the designated official for a school district, education service district, or state agency operating an educational program shall submit to the Department of Education, on a form provided by the Department, a final report of:

(A) The total days of instruction during the school year;

(B) The name of each student;

(C) County of residence and home address of the parents at the time residency was established;

(D) Whether the student spent one-half day or less in the program;

(E) Total days membership, beginning with the first day of instruction for each student; and

(F) An indication of which children are to be excluded by virtue of inclusion in the billing provided in ORS 343.363.

(d) Not later than August 15 of each year, the Department of Education shall submit the actual billing to the executive officer for the cost of educating students residing in that county and attending one or more of the special education programs, said amount payable from the county school fund to the State Superintendent of Public Instruction prior to December 15 of the same year.

(3) The provisions of this administrative rule shall become effective beginning with the actual billing issued during the 1986 - 87 school year, based upon 1985 - 86 student participation.

Stat. Auth.: ORS Ch. 343
Stats. Implemented: ORS 343.243
Hist.: 1EB 14-1981, f. & ef. 9-23-81; 1EB 14-1985, f. 7-3-85, ef. 7-5-85; 1EB 6-1986, f. & ef. 2-24-86; EB 21-1990, f. & cert. ef. 4-5-90

Financial Accounting for Schools

581-23-030 [1EB 156, f. 8-20-73, ef. 9-15-73; Repealed by 1EB 234, f. & ef. 6-18-76]

Budgeting and Accounting for Schools

581-23-035 Rules governing the budgeting and accounting systems for schools and the school systems of accounts are contained in Chapter 2 of the **"Program Budgeting and Accounting Manual", 1987 Edition**, published by the Oregon Department of Education. The State Board of Education adopts this publication to govern budgeting and accounting systems for schools.

[**Publications**: The publication(s) referred to or incorporated by reference in this rule are available from the Department of Education.]

Stat. Auth.: ORS Ch. 294
Stats. Implemented: ORS 294.356 & 327.125
Hist.: 1EB 163, f. 2-20-74, ef. 3-15-74; 1EB 234, f. & ef. 6-18-76; 1EB 23-1980(Temp), f. & ef. 9-2-80; 1EB 27-1980, f. & ef. 11-7-80; EB 12-1987, f. & ef. 7-10-87

[**ED. NOTE:** The text of Temporary Rules is not printed in the Oregon Administrative Rules Compilation. Copies may be obtained from the adopting agency or the Secretary of State.]

Audit Statement of Revenue and Expenditure Accounts by Fund

581-23-037 (1) Following the end of each fiscal year, each school district shall complete or have completed forms provided by the Department of Education for the purpose of summarizing district revenues and expenditures by fund for the fiscal year ending June 30.

(2) The data so prepared shall be audited and incorporated as part of the district's financial report.

Stat. Auth.: ORS Ch. 327
Stats. Implemented: ORS 327.125 & 327.137
Hist.: 1EB 17-1978, f. 4-21-78, ef. 5-4-78

Audit Requirements for School Food and Nutrition Services

581-23-038 (1) Following the end of each fiscal year, each school district participating in the federally funded School Food and Nutrition Services shall complete forms provided by the Oregon Department of Education for the purpose of summarizing district revenues and expenditures of their nonprofit school food service.

(2) The data included in the form shall be audited and incorporated as part of the district's financial report which is submitted to the Department of Education.

(3) If a district's food and nutrition services account demonstrates the net cash resources exceeds three months average expenditures, the Department will request a corrective action plan to reduce the excess cash resources.

Stat. Auth.: ORS Ch. 326 & 327
Stats. Implemented: ORS 327.137
Hist.: EB 39-1990, f. & cert. ef. 7-10-90

Approved Transportation Costs for Payments from the State School Fund

581-23-040 (1) Definitions for the purpose of this rule:

(a) "Elementary School Student" means, notwithstanding any other OAR or statute, pupils attending a school offering only an elementary curriculum, any combination of Grades K through 8;

(b) "Secondary School Student" means, notwithstanding any other OAR or statute, pupils attending a school offering any secondary curriculum for Grades 9, 10, 11, or 12. Additionally, all students attending a school designated by the local school board through board action as a junior high school or middle school may be considered secondary students;

(c) "Mile(s) from School" means the distance a student lives from school, measured from the closest, reasonable, and prudent point between the school property identified by the local board for that pupil's attendance and the property where the pupil lives. The distance will be measured over the shortest practicable route on maintained public roadways or over existing pedestrian facilities or pedestrian facilities capable of meeting the requirements listed in ORS 332.405(4);

(d) "Supplemental Plan" means a plan adopted by local school board resolution identifying groups or categories of students who live within the 1 and 1.5 mile limitations and require transportation based on health or safety reasons, including special education. Supplemental plan approvals may be ordered by the State Board of Education or its designated representatives. The State Board shall have the right of final review of any actions regarding supplemental plans. Appeals will be directed to the State Board for final consideration. The Plan must include the following:

(A) The approximate number of students to be transported based on the plan;

(B) The health or safety reasons cited for providing transportation;

(C) The local board resolution specifying the supplemental plan as submitted; and

(D) Any additional information or documentation supporting the supplemental plan deemed appropriate locally.

(e) "Local School Board" means, notwithstanding any other OAR or statute, the local school board for the district in which the student's legal residence is physically located. Local school boards are not required to provide transportation for students who have requested and received approval to attend a school other than that designated by the local school board for students living in their specified attendance area;

(f) "Bus Manufacturer's Rated Capacity" means the number of students to be used in the calculations specified in paragraph (5)(n)(B) of this rule and described below:

(A) Buses transporting only elementary students will have a passenger capacity as stated on the manufacturer's identification plate;

(B) Buses transporting only high school students, Grades 9 through 12 will have a passenger capacity based on two students for each 39 inch bus seat;

(C) Buses transporting mixed groups from Grades K-12 (in any combination) or groups of only junior high or middle school students will have a passenger capacity based on 2.5 students for each 39 inch bus seat.

EXAMPLE: A bus with a manufacturer's passenger capacity stated on the identification plate of 72 would have the following ratings: elementary — 72, high school only — 48, mixed groups — 60, middle school and junior high school — 60.

(2) Approved transportation costs shall include those costs incurred in transporting pupils to and from instructional programs during the regularly-scheduled school term within the limitations specified by ORS 327.006 and 327.033. The regularly-scheduled school day and regularly-scheduled school term are designated by the local school district board as the span of time when school is open and students are required to attend under the guidance and direction of teachers in satisfaction of the compulsory school attendance law ORS 339.010 through 339.090.

(3) Approved transportation costs shall include those district expenditures associated with:

(a) Home-to-school transportation of elementary school pupils who live at least one mile from school;

(b) Home-to-school transportation of secondary school pupils who live at least one and one-half miles from school;

(c) Transportation of pupils between educational facilities either within or across district boundaries, if the facilities are used as part of the regularly-scheduled instructional program approved by the Board;

(d) Transportation of pupils for in-state field trips when such represents an extension of classroom activities for instructional purposes, and shall include out-of-state destinations within 50 miles of the Oregon border;

(e) Transportation of pupils home to school for whom a supplemental plan has been approved by the State Board of Education in addressing safety, health, and special education needs;

(f) Transportation of preschool children in Early Childhood Special Education Services having an Individual Family Service Plan requiring transportation and preschool children receiving Early

Intervention Services under the authority of ORS 343.363.

(4) Approved transportation costs shall exclude those district expenditures associated with transportation for the following unless the school program is required under provisions of the Individuals with Disabilities Education Act, ORS 343.363 or 339.010 through 339.090 and 339.250:

(a) Pupils living within the limits prescribed in ORS 327.006(2) for whom no supplemental plan has been approved by the State Board;

(b) Activity trips other than for instructional purposes;

(c) Athletic trips;

(d) School lunch purposes;

(e) Summer school;

(f) Adult education;

(g) Evening school;

(h) Preschool and/or nursery school;

(i) Board and room in lieu of transportation associated with field trips;

(j) Transportation facility and staff costs other than those directly related to approved pupil transportation activities.

(5) The computation shall be made as follows:

(a) Pupil Transportation Salaries ....$____;

(b) Pupil Transportation Supplies, Equipment, Repairs, and Maintenance ....$____;

(c) All Contracted Transportation .... $____;

(d) Travel of Pupil Transportation Personnel ....$____;

(e) Employee Benefits on Pupil Transportation Salaries ....$____;

(f) Pupil Transportation Insurance ....$____;

(g) Payments in Lieu of Transportation ....$____;

(h) Other Expenses of Pupil Transportation ....$____;

(i) Payments to Other Districts for Pupil Transportation ....$____;

(j) Leases and Rentals ....$____;

(k) Depreciation:

(A) Depreciation of Garage ....$____;

(B) Depreciation of Buses ....$____;

(l) *Total of subsections ((5)(a) through (k) of this rule* ....$____;

(m) Deduct (if cost is included in detail above):

(A) Payments Received from Other Districts and from Patrons ....$____;

(B) Nonreimbursable Transportation Costs:

(i) ____ miles at $1.39 per mile for all school buses and school activity vehicles having a manufacturers' designed passenger capacity greater than ten persons including driver; or

(ii) ____ miles at $.695 per mile for all school activity vehicles having a manufacturers' designed passenger capacity less than ten persons including driver; or

(iii)(I) Those local school board certified marginal costs attributable to services described in subsection (4)(a) of this rule, calculated and documented as follows: Documentation maintained by local district shall include: Bus and Route Identification, School(s) being served, Number of eligible students on board, number of ineligible students on board;

(II) Calculation of marginal costs shall be as follows: District Cost Per Mile of bus operation divided by the total number of students transported on each bus to derive an average cost per student. The cost per student multiplied by the number of ineligible students and the number of miles inside the limits provides the amount for deduction:

EXAMPLE:

Cost Per Student = district cost per bus mile - number of students on bus

Total Deduction = cost per student x ineligible students x number of miles inside limit

(III) No deduction will be made for transportation inside prescribed limits if the local board certifies student demographics would require student bus rides to or from school of more than one hour if the bus is routed in a manner making it accessible to the number of eligible students living outside the prescribed mileage limit equal to 130 percent of the bus manufacturer's rated capacity; or

(IV) The local school board certifies that buses are routed in a manner to serve at least the number of eligible students living outside the prescribed mileage limits equal to 130 percent of the bus manufacturer's rated passenger capacity; and

(V) In either of the aforementioned situations, no additional costs have been incurred by the district for the identified service.

(C) State and Federal Receipts for Transportation, except those apportioned under ORS 327.006 or third party medicaid payments for transportation, if used to support expenditures in subsections (4)(a) through (l) of this rule ....$____;

(D) Rental or Lease Payments from Private Contractors ....$____;

(E) The percentage of transportation facility depreciation commensurate with the percentage of the total district fleet value based upon purchase price (see subsection (6)(k) of this rule) represented by nonpupil transportation equipment. Examples of nonpupil transportation equipment would include the following: lawnmowers, tractors, backhoes, trucks, pickups, cars, trailers, snowblowers, etc.

(n) *Total Deductions ((5)(m)(A) + (m)(B) + (m)(C) + (m)(D) + (m)(E))* ....$____;

(o) *Approved Cost ((5)(l) minus (5)(n))* ....$____.

(6) In the above computation, the following definitions apply:

(a) Pupil Transportation Salaries. Salaries and wages paid school bus drivers, assistants to driver, and that portion of salaries paid mechanics and other bus maintenance employees, supervisors of transportation, secretarial and clerical assistants, and persons assigned transportation oversight and coordination responsibilities attributable to the transportation program and documented through position descriptions and payroll records. No school district General Administration salaries may be included in this area;

(b) Pupil Transportation Supplies, Equipment, Repairs, and Maintenance. Costs of gasoline, oil, lubricants, tires, tire repair, batteries, vehicle diagnosis and repair equipment identified as capital expenditures in the **"Program Budget Manual"**, vehicle repair parts and supplies, repair of vehicles by other than the school district, garage maintenance and operation, and garage equipment repair and maintenance;

(c) All Contracted Transportation. Payments to parents and independent public or private contractors for transporting pupils from home to school, between educational facilities and for nonreimbursable activities enumerated in paragraph (6)(l)(B) of this rule; and fares to public carriers for transporting pupils from home to school and between educational facilities:

(A) If a district retains ownership of buses and garages and contracts for the operation of the transportation system with provision in the contract for lease or rental of the buses and garages, the contracted transportation cost shown should reflect the gross bid including the lease or rental payment. The lease or rental payment shall be deducted in the computation as reported in paragraph (5)(n)(D) of this rule;

(B) If the district retains ownership of buses and garages and participates in a transportation cooperative or consortium through an intergovernmental agreement, depreciation apportionment provided under ORS 327.033 will be disbursed directly to the district. No depreciation component is approved for cooperative-owned buses or garages.

(d) Travel of Pupil Transportation Personnel. Meals, lodging, mileage, per diem and other travel expenses of pupil transportation personnel, and private car mileage if paid to bus drivers for travel to and from the point where the school bus is parked if other than the central garage. The same travel expenses plus tuition or registration are included for attendance at Department of Education sponsored or presented pupil transportation training programs and seminars;

(e) Employee Benefits on Pupil Transportation Salaries. The district's contributions for employee benefits including social security and retirement, employee health insurance, workers' compensation, and unemployment insurance;

(f) Pupil Transportation Insurance. Payments for public liability and property damage, medical care, collision, fire and theft, and insurance on garages and shops;

(g) Payments in Lieu of Transportation. Payments for pupils' board and room in lieu of transportation, consistent with ORS 332.405(2);

(h) Other Expenses of Pupil Transportation. District-paid fees for school bus drivers' physical examinations; interest on bus or garage contracts payable including lease-purchase agreements if capitalized. (See subsection (6)(k) of this rule.);

(i) Payments to Other In-State or Out-of-State Districts for Transportation. Payments to other districts for approved pupil transportation costs;

(j) Leases and Rentals. Rental or lease payments for the use of land and/or buildings used for approved pupil transportation. Rental or lease payments for buses operated by district personnel for approved pupil transportation.

> **NOTE:** Only those leases which do not contain an option to purchase or application of rentals to purchase should be included in subsection (5)(j) of this rule. See subsection (6)(k) of this rule as to the proper treatment of other lease-purchase agreements.

(k) Depreciation. For purposes of computing depreciation, capitalized cost is defined to include the unit cost of the asset, exclusive of interest, for such assets purchased outright, by conventional contract, or by lease-purchase agreement if such agree-ment contains any provision to acquire ownership at the end of the agreement by application of a portion of the rentals paid or a terminal payment. The computation of the capitalized cost and the depreciation shall be according to the following:

(A) Portions of Garages and Other Buildings Used for Approved Pupil Transportation:

(i) Outright purchase (including purchase by conventional contract). For each outright purchase or purchase by conventional contract, each district shall report to the Oregon Department of Education, on the forms provided, the unit cost of the garage or other building purchased and the dollar amount of interest payments associated with such purchase. The capitalized value shall represent the unit cost, exclusive of interest. Depreciation shall be computed at an annual rate of four percent;

(ii) Lease-purchase agreements. For each lease-purchase agreement, the district shall report to the Oregon Department of Education, on the forms provided, the dollar amount of the agreement, the interest payments contained in the agreement, and the schedule of such interest payments contained in the agreement. Subsequent to July 1, 1975, the capitalized value shall represent the lease-purchase price less any interest payments contained in the agreement. Depreciation shall be computed at an annual rate of four percent. For lease-purchase agreements in effect prior to July 1, 1975, the State Superintendent of Public Instruction shall adjust the capitalization of such agreements reflecting the amount already reimbursed from the Basic School Support Fund, and the remainder shall be depreciated at an annual rate of four percent.

(B) Buses and Other Vehicles Used for Approved Pupil Transportation:

(i) Outright purchase (including purchase by conventional contract). For each outright purchase or purchase by conventional contract, each district shall report to the Oregon Department of Education, on the forms provided, the unit cost of the vehicle(s) purchased and the dollar amount of interest payments associated with such purchase. The capitalized value shall represent the unit cost, exclusive of interest. Depreciation shall be computed at an annual rate of ten percent;

(ii) Lease-purchase agreements. For each lease-purchase agreement, the district shall report to the Oregon Department of Education, on the forms provided, the dollar amount of the agreement, any applicable trade-in value, the dollar amounts of interest payments contained in the agreement, and the schedule of such interest payments contained in the agreement. The capitalized value of the vehicles shall represent the lease-purchase price including the trade-in allowance less interest payments contained in the agreement. Depreciation shall be computed at an annual rate of ten percent;

(iii) Lease agreements. If the district is leasing its buses under a lease agreement, the district shall report the annual lease cost. A lease agreement as used in this paragraph means an agreement whereby the lessor retains title to the buses being leased to the lessee school district and the title to the buses is never received by the lessee. Under such a lease agreement, the use of the buses by the lessee is limited by the term of the lease. If there is an auxiliary agreement either written or oral whereby at the end of the lease term, the title of the buses shall pass to the lessee school district, the agreement is not a lease agreement as described in this paragraph but is a lease-purchase agreement as outlined in subparagraph (ii) of this paragraph. The lease payment made by a school district obtaining the use of buses pursuant to a lease as defined in this paragraph shall be used in the computation of the reimbursement in place of the depreciation set forth in subparagraphs (i) and (ii) of this paragraph.

(l)(A) Payments Received from Other Districts and from Patrons. Money received from other school districts, parents, guardians, or students for transportation if paid in support of expenditures listed in subsections (5)(a) through (l) of this rule;

(B) Nonreimbursable Transportation Costs. Actual bus mileage of excludable trips shall include the actual mileage in district-owned or contracted buses for transportation for activity trips, athletic trips, school lunch purposes, summer school, adult education, evening school, nursery school, and any other nonreimbursable purposes. Such mileage shall be deducted at the rate of $1.39 per mile in the computation. The rate of deduction may be reviewed annually by the State Board of Education and adjusted accordingly;

(C) State and Federal Receipts for Transportation. All state and federal receipts for transportation expenditures, exclusive of funds apportioned under ORS 327.006 and 327.033, that have been included in subsections (5)(a) through (l) of this rule;

(D) Rental or Lease Payments from Private Contractors. Payments received from private contractors for the use of district owned buses and garages in the operation of the pupil transportation system by the private contractor. This item must be shown as **Revenue Code 1915** in the school district audit and the gross payments to the contractor must be included in subsection (5)(c) of this rule.

(7) Each district shall maintain a record, by purpose, of total pupil transportation miles and shall submit a report of such to the Oregon Department of Education on the form provided. The accuracy of such records shall be certified by the district clerk.

(8) If an education service district offers a special service under the provisions of section (4) of ORS 334.175, including home-to-school transportation which would qualify for reimbursement under the provisions of ORS 327.006 if provided by a local school district, the following procedure in crediting the transportation expenditure to the local district may be employed:

(a) The education service district shall compute approved home-to-school transportation costs as provided in section (4) of this rule;

(b) The approved costs so determined shall be billed to and paid by each of the local school districts. The expenditure shall be accounted for by the local district as a transportation expenditure paid to another education agency;

(c) The audited district expenditure shall be recognized by the State Superintendent of Public Instruction in computing the local district's entitlement under ORS 327.006;

(d) If the education service district reimburses the local district the difference between that portion billed and that paid under ORS 327.006, such reimbursement — if derived from property tax sources by education service district resolution — shall not be deducted by the state in determining the local district's approved costs. The local district shall account for the education service district reimbursement as other general receipts are accounted for from the education service district.

(9) For purposes of computing board and room entitlement for a district operating a dormitory under provisions of ORS 327.006, the state assumes responsibility for its proportionate share of costs associated with the provision of food, facilities, staff, operation, and maintenance necessary to provide students with safe and healthy living conditions. The state does not assume responsibility for costs associated with recreation or entertainment of students. The approved cost against which the computation is made for state liability shall not exceed the limit stated in ORS 332.405. In addition, the state will assume its proportionate share of the cost of field trips as defined in subsection (3)(c) of this rule.

(10) The computation of approved expenditures for board and room entitlement shall be made as follows:

(a) Salaries .... $____;
(b) Operation:
(A) Utilities.. $____;
(B) Supplies.. $____;
(C) Other Operational Costs .... $____.
(c) Maintenance:
(A) Upkeep .... $____;
(B) Replacement.. $____.
(d) Fixed Charges:
(A) Employee Benefits .... $____;
(B) Other Fixed Charges .... $____.
(e) Food .... $____;
(f) Operation of Buses and Other Vehicles — Supplies, Repairs, and Maintenance................ $____;
(g) Depreciation:
(A) Dormitory .... $____;
(B) Buses and Other Vehicles..................... $____.
(h) *Total Expenditures (Sum of subsections (10)(a) through (g) of this rule)* .... $____;
(i) Deductions (subtract if cost is included in cost above):
(A) Payments Received from Other Districts and from Patrons... $____;
(B) Nonreimbursable Transportation Costs ____ miles at $1.39 per mile) .... $____;
(C) State and Federal Receipts for Transportation, except those apportioned under ORS 327.006, 327.033, or third party medicaid payments, if used to support expenditures in subsections (10)(a) through (g) of this rule .... $____;
(D) Federal School Lunch, Breakfast, and Milk Reimbursements .... $____;
(E) Sales of Food .... $____.
(j) *Total Deductions (sum (10)(i)(A) + (i)(B) + (i)(C) + (i)(D) + (i)(E))* .... $____;
(k) *Approved Cost (10)(h) minus (10)(j) of this rule)* .... $____.

(11) The items included in the board and room entitlement computation are defined as follows:

(a) Salaries. Salaries and wages paid dormitory personnel, including the dormitory manager, cooks, custodians, and other personnel directly concerned with operation of the dormitory, and that portion of salaries paid secretarial and clerical assistants and other personnel attributable to the dormitory program;

(b) Operation:

(A) Utilities. Heat for buildings, water and sewage, electricity, telephone, and other utilities necessary for the operation of the dormitory;

(B) Supplies. Custodial supplies, supplies for care of grounds, linens, and other supplies necessary for the operation of the dormitory including food services. Purchase of food is included in subsection (11)(e) of this rule;

(C) Other Operational Costs. Contracted custodial services, window washing, laundry or linen services, etc., necessary for the operation of the dormitory.

(c) Maintenance:

(A) Upkeep. Expenditures associated with maintaining the existing dormitory facilities in a safe, healthy, and efficient condition, including supplies and materials for upkeep of dormitory grounds and the dormitory building. Costs associated with maintenance of recreational or entertainment facilities are excluded;

(B) Replacement of Equipment. Expenditures associated with replacing equipment necessary to the safe, healthy, and efficient operation of the dormitory. Replacement of equipment used for recreational or entertainment purposes is excluded.

(d) Fixed Charges:

(A) Employee Benefits. Expenditures for dormitory employees' benefits including social security and retirement, employee health insurance, workers' compensation, and unemployment insurance;

(B) Other Fixed Charges. Expenditures for property insurance, liability insurance, rental of land and buildings for purposes associated with operation of the dormitory, and other fixed charges directly attributable to operation of the dormitory.

(e) Food. Expenditures for food necessary for the operation of the dormitory;

(f) Operation of Buses and Other Vehicles — Supplies, Repairs, and Maintenance. Expenditures for gasoline, oil, lubricants, tires, tire repair, batteries, vehicle repair parts and supplies, repair of vehicles by other than the school district, garage maintenance and operation, and garage equipment repair and maintenance necessary for the operation of buses utilized for purposes stated in section (3) of this rule and of other vehicles necessary for the operation of the dormitory;

(g) Depreciation:

(A) Dormitory. For purposes of computing dormitory depreciation, capitalized cost is defined as the unit cost of the asset (including the cost of original equipment), exclusive of interest, plus the cost of substantial improvements or remodeling. Costs associated with providing recreational or entertainment facilities are not included. Depreciation shall be computed at an annual rate of four percent;

(B) Buses and Other Vehicles. Depreciation for buses used for approved pupil transportation and that portion of other vehicles necessary for operation of the dormitory shall be computed in accordance with the formula and definition stated in paragraph (6)(k)(B) of this rule.

(h) Total. Sum of subsections (10)(a) through (g) of this rule;

(i) Deductions:

(A) Payments Received from Other Districts and from Patrons. Money received from other school districts, parents, guardians, or students for transportation or room and board if paid in support of expenditures listed in subsections (10)(a) through (f) of this rule;

(B) Nonreimbursable Transportation Costs. Costs for nonreimbursable transportation according to the formula and definition stated in paragraph (6)(n)(B) of this rule;

(C) State and Federal Receipts for Transportation. All state and federal receipts for transportation or room and board expenditures exclusive of funds apportioned under ORS 327.006 that have been included in subsections (10)(a) through (f) of this rule;

(D) Federal School Lunch, Breakfast, and Milk Reimbursements. All federal receipts for school lunch, breakfast, and milk expenditures that have been included in subsections (10)(a) through (f) of this rule;

(E) Sales of Food. Money received from teachers, students, or other individuals from food sales for which the expenditures are included in subsections (10)(a) through (f) of this rule.

(12) Such items of expenditure as may be questionable in applying the policy stated in this administrative rule shall be resolved by the State Superintendent of Public Instruction and such determination shall be final.

(13) The provisions of this administrative rule shall apply to the apportionment of the State School Fund for 1992 - 93 and subsequent years.

[**Publications:** The publication(s) referred to or incorporated by reference in this rule are available from the Department of Education.]

Stat. Auth.: ORS 327.013, 820.100 - 820.120
Stats. Implemented: ORS 327.013 & 820.100 thru 820.120
Hist.: 1EB 177, f. 10-2-74; 1EB 181, f. 1-17-75, ef. 7-1-75; 1EB 209, f. 12-5-75, ef. 1-16-76; 1EB 220, f. 2-17-76, ef. 3-15-76; 1EB 233, f. 6-11-76, ef. 6-18-76; 1EB 4-1978, f. 1-27-78, ef. 1-27-78; 1EB 10-1980, f. & ef. 5-5-80; 1EB 6-1981, f. 3-2-81, ef. 3-3-81; 1EB 4-1982, f. & ef. 2-10-82; 1EB 15-1982, f. 8-4-82, ef. 8-5-82; 1EB 17-1983, f. 11-23-83, ef. 11-25-83; 1EB 1-1985, f. 1-4-85, ef. 1-7-85; 1EB 5-1986, f. 1-30-86, ef. 2-1-86; EB 4-1987, f. & ef. 2-20-87; EB 32-1987, f. & ef. 12-10-87; EB 42-1988, f. & cert. ef. 11-15-88; EB 3-1992, f. & cert. ef. 2-21-92; EB 21-1993, f. & cert. ef. 6-2-93

Computation of Approved Net Operating Expenditures for Purposes of the Basic School Support Fund

581-23-041 (1) The computation of approved "net operating expenditures" under ORS 327.006 shall be made as follows, using accounts as herein defined for the General Fund and subject to such items of inclusion or exclusion as are stated in this rule.

(a) Instruction (K-12, regular school year):
(A) Regular Programs (function 1100 except functions 1112, 1122, 1132, and 1140)..............$____;
(B) Special Programs (functions 1200) ......$____;
(C) *Total Approved Instruction ((a)(A) + (B)*. ....$____*(a)*.

(b) Supporting Services:
(A) Pupils (function 2100)...........................$____;
(B) Instructional Staff (function 2200) ......$____;
(C) General Administration (function 2300)..$____;
(D) School Administration (function 2400)..$____;
(E) Business (functions 2510, 2520, 2540, and 2570);...$____;
(F) Central (function 2600).........................$____;
(G) *Total Approved Supporting Services ((b)(A) + (B) + (C) + (D) + (E) + (F)* ....$____*(b)*.

(c) Approved Transfers: Function 4300 (Transfers to Self-Insured Unemployment Fund only) = ...$____(c);

(d) Subtotal ((a) + (b) + (c)) ....$____(d).

(e) Receipts:

(A) Tuition and Services Receipts (revenue code 1310 + revenue code 1940)...............................$____;

(B) Transfer from Self-Insured Unemployment Fund to General Fund (revenue code 5200).....$____;

(C) *Total Receipts ((e)(A) + (e)(B))* ....$____(e).

(f) Approved Net Operating Expenditures for Resident Pupils ((d) minus (e)) ....$____(f).

(2) The following expenditure items are included in or excluded from the computation:

(a) Inclusions:

(A) In addition to the specific functions and objects in the General Fund cited in section (1) of this rule, corresponding functions and objects in a Special Revenue Fund and other such expenditures as would normally be found in the General Fund, the exclusion of which would result in unequal treatment of districts;

(B) Capital outlay objects 542 for approved functions.

(b) Exclusions:

(A) Co-curricular expenditures, instruction functions only;

(B) All capital outlay expenditures except objects 542;

(C) Job Training Partnership Act (J.T.P.A.) or Education Consolidation and Improvement Act (E.C.I.A.) funded expenditures;

(D) Expenditures for programs operated under ORS 343.305;

(E) Expenditures for programs operated under ORS 343.353 - 343.367;

(F) Indian Education funded expenditures.

(3) Approved expenditures by function/object used in the computation shall be restricted to the following funds:

(a) The General Fund. A set of accounts used to show all ordinary operations of a local education agency. In general, it includes all transactions which do not have to be accounted for in another Fund;

(b) Special Revenue Fund. A set of accounts used to represent transactions of programs that are of a special nature. Sometimes called "designated purpose funds", their uses and limitations are specified by the legal authority establishing the Fund and, generally, the resources of this Fund cannot be diverted to other uses.

(4) Approved function and object codes used in the computation are defined in **Chapter 3** of the **Program Budgeting and Accounting Manual, 1987 Edition**, published by the Oregon Department of Education.

(5) Questions regarding approvable items in the administration of this rule shall be resolved by the State Superintendent of Public Instruction and the Superintendent's determination shall be final.

(6) The provisions of this administrative rule shall apply to the apportionment of the Basic School Support Fund for 1989 - 90 and subsequent years. Any change made in the accounting system by the State Board of Education shall be reflected by corresponding adjustments in functions and object codes stated in the rule.

[**Publications:** The publication(s) referred to or incorporated by reference in this rule are available from the Department of Education.]

Stat. Auth.: ORS Ch. 327
Stats. Implemented: ORS 327.006(6) & 327.008
Hist.: 1EB 16-1979, f. 11-8-79, ef. 11-9-79; 1EB 22-1980, f. & ef. 7-15-80; 1EB 14-1985, f. 7-3-85, ef. 7-5-85; EB 22-1987, f. 10-16-87, ef. 7-1-88

Enrollment, Attendance, and Membership Reporting for Nonresident Pupils

581-23-045 [1EB 183, f. 2-5-75, ef. 2-25-75;
1EB 233, f. 6-11-76, ef. 6-18-76;
Repealed by 1EB 2-1981,
f. 2-5-81, ef. 7-1-81]

Rules for Implementation of Child Development Specialist Programs and State Reimbursement for Costs of Such Programs

581-23-050 (1) The district school board of every school district operating elementary schools may make the services of a Child Development Specialist available to the children and their families residing in attendance areas of the schools:

(a) Priority shall be given to programs for the primary grades, including kindergarten;

(b) Services may be made available to children four years of age or younger and their families.

(2) Each program, to be approved, shall be developmentally appropriate and include:

(a) A prevention program encompassing the early identification of developmental problems and the building of positive attitudes towards self and others;

(b) Training, role identification, job responsibilities and objectives of a Child Development Specialist position in relation to the school staff;

(c) A program designed to provide consultative services for families to assist in understanding child development and the uniqueness of individuals;

(d) Community resource utilization in planning and operation of the program.

(3) Indicators of a Quality Child Development Specialist Program:

(a) The specialist shall be a member of the school staff and shall be responsible for the promotion of each child's total developmental progress;

(b) The specialist shall help children and their families develop positive attitudes toward themselves and others, the specialist shall utilize teacher in-service training, parent and family training, and individual and small group counseling with children;

(c) The specialist shall be committed to encouraging communication among influential persons in each child's environment;

(d) The specialist shall focus on the developmentally appropriate practices that insure the identification of the child's talents and strengths:

(A) When such talents and strengths are identified, the child's specific needs shall be addressed;

(B) The identification process shall include observation of the child in various settings, involvement of families and school staff, counseling interviews with the child, collection of relevant data and assistance from individuals or agencies who may interact with the child.

(4) Responsibilities of the Child Development Specialist:

(a) Assure developmentally appropriate assessment of learning and developmental levels for each child;

(b) Design programs and strategies to assist each child in his/her individual growth and development;

(c) Identify and utilize the strengths of each child, with assistance from school staff, families, and community members to create a positive learning experience;

(d) Be a resource to the teacher in designing classroom procedures or materials based upon the identified talents, strengths, and needs of each child;

(e) Provide training for staff and families to understand their role and responsibility related to children's talents and strengths, individual differences, and self-esteem;

(f) Work with staff and families to identify and meet special needs of children.

(5) Individuals contracted as Child Development Specialists shall hold a Personnel Services Certificate, a Personnel Services Certificate of Accomplishment as issued by Teacher Standards and Practices Commission or be approved to serve in that capacity by the State Board of Education. When selecting a Child Development Specialist, requirement of a master's degree is recommended, but training or experiences to meet the following competencies shall be required:

(a) Observing and analyzing behaviors of children in their environments;

(b) Establishing counseling and supporting relationships which assist children and their families with home, school, and community issues;

(c) Understanding and communicating the results from developmentally appropriate assessment and screening procedures to staff, children, and their families;

(d) Working collaboratively in schools, agencies and the community;

(e) Identifying and coordinating resources and making appropriate referrals;

(f) Planning, coordinating, and consulting with others to provide educational programs in such areas as: Classroom guidance, life career roles, personal safety, conflict management, self-esteem, decision making, communication skills, parenting skills, and interpersonal relationships;

(g) Utilizing interpersonal skills such as: leadership, communication, group interaction, family counseling, individual counseling, and sensitivity to confidentiality;

(h) Developing and implementing a building plan and individual child action plan;

(i) Recognizing and developing the talents and strengths and positive characteristics of children;

(j) Utilizing growth and development concepts in providing services to the program population.

(6) Each district shall have goals and measurable objectives for the Child Development Specialist Program based upon identified needs.

(7) School districts planning to offer the services of a Child Development Specialist shall have a program plan as described in this OAR filed with and approved by the Oregon Department of Education.

(8) The local district evaluation process shall be based upon the goals stated in ORS 343.125 as well as the goals of the district's program.

(9) An annual written evaluation report, based upon both outcomes and activities, shall be provided to the Department of Education by June 15.

(10) School districts maintaining approved Child Development Specialist programs for which reimbursement is being claimed, shall file a verified claim for the costs incurred with the Superintendent of Public Instruction following the close of each fiscal quarter.

(11) If the application for reimbursement is approved by the Superintendent of Public Instruction, the district shall be reimbursed the amount claimed, in accordance with ORS 343.135(2).

Stat. Auth.: ORS 343.125 - 343.145
Stats. Implemented: ORS 329.255 & 329.265
Hist.: 1EB 199, f. 7-1-75, ef. 9-1-75; 1EB 18-1981, f. & ef. 12-23-81; EB 11-1992, f. & cert. ef. 4-7-92

State Superintendent's Approval of Bonded Debt for Nonstandard and Conditionally Standard School Districts

581-23-060 The State Superintendent of Public Instruction shall approve additional bonded indebtedness for a nonstandard or conditionally standard school district as described in ORS 328.205 when:

(1) The purpose of the revenues is listed under ORS 328.280(1) and is included in the district's plan to correct the deficiencies causing the nonstandard or conditionally standard status.

(2) The district demonstrates that in contracting for bonded indebtedness it will not impair or delay its efforts in becoming a standard district.

Stat. Auth.: ORS 328.205
Stats. Implemented: ORS 328.205
Hist.: EB 6-1991, f. & cert. ef. 4-3-91

Eligibility Criteria for Student Weighting for Purposes of State School Fund Distribution

581-23-100 (1) The following definitions apply to this rule:

(a) "Average Daily Membership" or "ADM" means the membership defined in ORS 327.006(3) and OAR 581-23-006;

(b) "Days in Session" means number of days of instruction during which students are under the guidance and direction of teachers;

(c) "Department" means the Oregon Department of Education;

(d) "Language Minority Student" means:

(A) Individuals whose native language is not English; or

(B) Individuals who come from environments where a language other than English is dominant; or

(C) Individuals who are Native Americans or Native Alaskans and who come from environments where a language other than English has had a significant impact on their level of English proficiency;

(e) "Superintendent" means the State Superintendent of Public Instruction;

(f) "Weighted Average Daily Membership" or "ADMw" means the ADM plus an additional amount or weight as described in ORS 327.013, subject to the limitations imposed by Section (4)(a), Chapter 780, Oregon Laws 1991.

(2) Pursuant to ORS 327.013(7)(a)(A) the resident school districts shall receive one additional ADM or "weight" for children with disabilities who comprise up to 11 percent of the district's ADM. The Department will calculate the percentage of children with disabilities on the basis of resident counts of students eligible for weighting from the Special Education Child Count and the resident ADM:

(a) To be eligible, a student must be in the ADM of the school district and meet the following criteria:

(A) The student must be eligible for special education having been evaluated as having one of the following conditions: Mental retardation, hearing impairment including difficulty in hearing and deafness, speech or language impairment, visual impairment, serious emotional disturbance, orthopedic or other health impairment, autism, traumatic brain injury or specific learning disabilities; and

(B) The student must be between the ages 5 and 21 and generate federal funding for purposes of special education.

(b) Districts may apply for an exception to the 11 percent ceiling. Applications are to be made on forms provided by the Department. Upon receipt of the application the Superintendent may conduct a complete review of a district's special education records. The Superintendent shall develop a process for conducting such reviews which will include the following elements:

(A) Comparison of district claims with those submitted by other districts;

(B) Participation of school district and education service district staff in the review. No district staff shall be asked to review claims submitted by the employing district.

(c) After considering the recommendations of the review committee the Superintendent may allow all or a portion of the requested added weighted ADM over 11 percent;

(d) The Superintendent shall make the determination of approval for funding above the 11 percent limitation. Such determination may be appealed for review by the State Board of Education according to a process established by the Superintendent;

(e) If the review indicates that a district has claimed ineligible special education students, the Superintendent also shall withhold the related federal funds from the district, pursuant to OAR 581-15-049;

(f) A district must submit an application for an exception to the 11 percent ceiling no later than six months after the close of the year for which payment is being sought. Payments for allowable exceptions shall be made in the following school year as part of the May 15 payment.

(3) Pursuant to ORS 336.640(4), the resident school districts shall receive an additional 1.0 times the ADM of all eligible pregnant and parenting students:

(a) To be eligible, a student must be in the ADM of the resident school district and meet the following criteria:

(A) The student must be identified through systematic procedures established by the district;

(B) The student must be enrolled and receiving services described in ORS 336.640(1)(b) and (d);

(C) The student must have an individualized written plan for such services which identifies the specific services, their providers, and funding resources.

(b) Students counted in section (2) of this rule are not eligible under this section.

(4) Pursuant to ORS 327.013(7)(a)(B), the resident school districts shall receive an additional .5 times the ADM of all eligible students enrolled in an English as a Second Language program. To be eligible, a student must be in the ADM of the school district in grades K through 12 and be a language minority student attending English as a Second Language (ESL) classes in a program which meets basic U.S. Department of Education, Office of Civil Rights guidelines. These guidelines provide for:

(A) A systematic procedure for identifying students who may need ESL classes, and for assessing their language acquisition and academic needs;

(B) A planned program for ESL and academic development, using instructional methodologies recognized as effective with language minority students;

(C) Instruction by credentialed staff and trained in instructional strategies that are effective with second language learners and language minority students, or by tutors supervised by credentialed staff trained in instructional strategies that are effective with second language learners and language minority students;

(D) Adequate equipment and instructional materials;

(E) Evaluation of program effectiveness in preparing ESL students for academic success in the mainstream curriculum.

(5) Students served in the following programs are not eligible for weighting:

(a) Programs funded fully by state funds, programs funded fully by federal funds, and programs funded fully by a combination of state and federal funds;

(b) Private and parochial schools unless placed by the resident district in a registered private alternative program or state approved special education program;

(c) Instruction by a private tutor or parent under ORS 339.035.

(6) No later than January 15 of each year, the designated official for a school district shall submit to the Department a report of students eligible under sections (3) and (4) of this rule. The report shall include the following data for the period October 1 through December 31:

(a) Total days in session for the quarter ending December 31 for the school or program reporting;

(b) Total days membership for the quarter ending December 31 for all students served in eligible programs.

(7) Not later than July 10 of each year, the designated official for a school district shall submit to the Department a final report of students eligible under sections (3) and (4) of this rule. The report shall include the following:

(a) Total days in session during the regular school year for the school or program reporting;

(b) Name of each student;

(c) Total days membership beginning with the first day of instruction for each student and ending with the date of withdrawal from the eligible program or the end of the regular school year, whichever comes first;

(d) Grade level of the student.

(8) School districts must retain supporting documentation for a minimum of two years.

(9) The Department shall perform periodic reviews of the eligibility of students reported for additional weighting. Any funds provided for ineligible students shall be recovered by the Department for redistribution to school districts.

(10) This rule is effective beginning with the 1993-94 school year.

Stat. Auth.: ORS 327.013 & 327.125
Stats. Implemented: ORS 327.013 & 327.125
Hist.: EB 31-1992, f. & cert. ef. 10-14-92; EB 6-1994, f. & cert. ef. 4-29-94

Reimbursement to School Districts for Children with Disabilities Placed in Out-of-State Residential Programs

581-23-103 (1) For purposes of this rule, the following definitions shall apply:

(a) "Average Daily Membership" or "ADM" means the membership defined in ORS 327.006(3) and OAR 581-23-006;

(b) "Department" means the Oregon Department of Education; and

(c) "Weighted Average Daily Membership" or "ADMw" means the ADM plus an additional amount or weight as set forth in OAR 581-23-100(1)(f) and (2) for children with disabilities.

(2) Consistent with the provisions of this rule, a school district may apply to the Department for reimbursement of special education costs incurred when placing a child with a disability in an out-of-state residential program for either or both of the 1995-96 and 1996-97 school years.

(3) To be eligible for the reimbursement, the school district shall have:

(a) Determined that the child is eligible for special education and related services under one of the disability categories set forth in OAR 581-015-0051;

(b) Placed the child in an out-of-state residential program and provided services to the child on the basis of the child's current individualized education program;

(c) Incurred expenses for the out-of-state placement of the child; and

(d) Submitted a timely application to the Department as required by sections (6), (9) and (10) of this rule.

(4) The Department shall only distribute the reimbursement to a school district for:

(a) Expenses incurred by the school district for special education and related services for an out-of-state residential placement that are required by the individualized education program of a child with a disability; and

(b) Extraordinary expenses above the ADMw amount for which the child is eligible.

(5) A school district may submit an application for each child who meets the criteria set forth in section (3) of this rule.

(6) The Department shall provide school districts with an application that shall require documentation demonstrating all of the school district's expenses for each child, which may include a copy of the contract(s) between the school district and the out-of-state school or facility or other service provider(s), or invoices reflecting actual expenses.

(7) Pursuant to the 1995 Oregon Laws, Chapter 442, Section 16, the Department shall distribute among eligible school districts an amount not to exceed $50,000 for each of the 1995-96 and 1996-97 school years consistent with sections (4) and (8) of this rule.

(8) The Department shall prorate the distribution of funds for each school year to eligible school districts as follows:

(a) Subtract the eligible school district's ADMw for the child from the total expenses incurred by the school district for the child's out-of-state residential program;

(b) Add all of the eligible school districts' expenses (minus their ADMw revenue) incurred for out-of-state residential programs;

(c) Divide the eligible individual school district expenses by the total expenses incurred by all eligible school districts for all out-of-state residential programs; and

(d) Multiply the quotient by $50,000.

(9) For the 1995-96 school year, school districts shall submit applications to the Department by July 15, 1996. The Department shall distribute the funds to eligible school districts by September 1, 1996.

(10) For the 1996-97 school year, school districts shall submit applications to the Department by July 15, 1997. The Department shall distribute the funds to eligible school districts by September 1, 1997.

(11) The decision of the Department regarding reimbursement of costs pursuant to this rule shall be final.

Stat. Auth.: ORS 343.045 and 343.055
Stats. Implemented: ORS 1995, Oregon Laws, 442, Section 16
Hist.: EB 10-1996, f. & cert. ef. 6-26-96

Adjustment in Poverty Weighting for Purposes of State School Fund Distribution

581-23-105 [EB 6-1994,
f. & cert. ef. 4-29-94;
Repealed by EB 6-1996,
f. & cert. ef. 4-25-96]

Report on High School Graduates

581-23-110 (1) Oregon school districts operating a high school shall report annually to the Department of Education each school's graduates by gender within the following racial/ethnic characteristics:

(a) White (not of Hispanic origin);

(b) Black (not of Hispanic origin);

(c) Hispanic;

(d) Asian/Pacific Islander;

(e) American Indian/Alaskan Native.

(2) For purposes of this report, a student may

be included in a group to which he or she appears to belong, identifies with, or is regarded in the community as belonging to.

Stat. Auth.: ORS 335.105
Stats. Implemented: ORS 335.105
Hist.: EB 36-1992, f. & cert. ef. 11-24-92

Request for Early Distribution from the 1992-93 State School Fund

581-23-500 [EB 19-1991(Temp),
f. & cert. ef. 9-9-91]

Financial Operating Procedures for Harney Education Service District and the School Districts Within the ESD

581-23-510 [EB 20-1991(Temp),
f. & cert. ef. 9-9-91]

Set Aside to Fund Positive Adjustments to be Incorporated in the May 15, 1993, Payment of the State School Fund

581-23-520 [EB 12-1992, f. & cert. ef. 4-7-92;
Repealed by EB 6-1996,
f. & cert. ef. 4-25-96]

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TABLE 1
(581-23-015)

SMALL SCHOOL CORRECTION-Elementary (Gr. 1-8) Scale for Determining Basic Education Program

ADM at School (1)	Teachers Allowed (2)	ADM School (1)	at Teacher Allowed (2)
1-20	1.0000	61	2.5375
21	1.0375	62	2,5750
22	1.0750	63	2,6125
23	1.1125	64	2.6500
24	1.1500	65	2.6875
25	1.1875	66	2.7250
26	1.2250	67	2.7625
27	1.2625	68	2.8000
28	1.3000	69	2.8375
29	1.3375	70	2.8750
30	1.3750	71	2.9125
31	1.4125	72	2.9500
32	1.4500	73	2.9875
33	1.4875	74	3.0250
34	1.5250	75	3.0625
35	1.5625	76	3.1000
36	1.6000	77	3.1375
37	1.6375	78	3.1750
38	1.6750	79	3.2125
39	1.7125	80	3.2500
40	1.7500	81	3.2875
41	1.7875	82	3.3250
42	1.8250	83	3.6325
43	1.8625	84	3.4000
44	1.9000	85	3.4375
45	1.9375	86	3.4750
46	1.9750	87	3.5125
47	2.0125	88	3.5500
48	2.0500	89	3.5875
49	2.0875	90	3.6250
50	2.1250	91	3.6625
51	2.1625	92	3.7000
52	2.2000	93	3.7375
53	2.2375	94	3.7750
54	2.2750	95	3.8125
55	2.3125	96	3.8500
56	2.3500	97	3.8875
57	2.3875	98	3.9250
58	2.4250	99	3.9625
59	2.4625	100	4.0000
60	2.5000		

TABLE 2
(581-23-015)

SMALL SCHOOL CORRECTION-Secondary (Gr. 9-12)
Scale for Determining Basic Program

ADM (unweighted) at School (1)	Teachers Allowed (2)	Basic Program (3)	ADM (unweighted) at School (1)	Teacher Allowed (2)	Basic Program (3)
1-20	3.000		61	4.025	
21	3.025		62	4,050	
22	3.050		63	4.075	
23	3.075		64	4.100	
24	3.100		65	4.125	
25	3.125		66	4.150	
26	3.150		67	4.175	
27	3.175		68	4.200	
28	3.200		69	4.225	
29	3.225		70	4.250	
30	3.250		71	4.275	
31	3.275		72	4.300	
32	3.300		73	4.325	
33	3.325		74	4.350	
34	3.350		75	4.375	
35	3.375		76	4.400	
36	3.400		77	4.425	
37	3.425		78	4.450	
38	3.450		79	4.475	
39	3.475		80	4.500	
40	3.500		81	4.525	
41	3.252		82	4.550	
42	3.550		83	4.575	
43	3.575		84	4.600	
44	3.600		85	4.625	
45	3.625		86	4.650	
46	3.650		87	4.675	
47	3.675		88	4.700	
48	3.700		89	4.725	
49	3.725		90	4.750	
50	3.750		91	4.775	
51	3.775		92	4.800	
52	3.800		93	4.825	
53	3.825		94	4.850	
54	3.850		95	4.875	
55	3.875		96	4.900	
56	3.900		97	4.925	
57	3.925		98	4.950	
58	3.950		99	4.975	
59	3.975		100	5.000	
60	4.000				

DIVISION 24

STANDARDS FOR INTERMEDIATE EDUCATION DISTRICTS (EDUCATION SERVICE DISTRICTS ON JULY 1, 1978)

[**ED. NOTE**: The following Administrative Orders relating to Standards for Education Service District were previously adopted by the Department of Education: 1 EB 53a, filed 8-11-60; 1 EB 120, filed 10-27-69 and 1 EB 121, filed 6-5-70.]

Definitions
581-24-006 [1EB 237, f. & ef. 7-9-76;
Repealed by 1EB 265,
f. & ef. 8-22-77]

Administration of the Standardization Program
581-24-010 [1EB 237, f. & ef. 7-9-76;
Repealed by 1EB 265,
f. & ef. 8-22-77]

Assignment of Standardization Classification
581-24-015 [1EB 237, f. & ef. 7-9-76;
Repealed by 1EB 265,
f. & ef. 8-22-77]

Alternate Provisions
581-24-020 [1EB 237, f. & ef. 7-9-76;
Repealed by 1EB 265,
f. & ef. 8-22-77]

Program Planning and Assessment
581-24-025 [1EB 237, f. & ef. 7-9-76;
Repealed by 1EB 265,
f. & ef. 8-22-77]

Statutory Requirements
581-24-030 [1EB 237, f. & ef. 7-9-76;
Repealed by 1EB 265,
f. & ef. 8-22-77]

Financial Equalization
581-24-035 [1EB 237, f. & ef. 7-9-76;
Repealed by 1EB 265,
f. & ef. 8-22-77]

Audits
581-24-040 [1EB 237, f. & ef. 7-9-76;
Repealed by 1EB 265,
f. & ef. 8-22-77]

Budgets
581-24-045 [1EB 237, f. & ef. 7-9-76;
Repealed by 1EB 265,
f. & ef. 8-22-77]

Staff
581-24-050 [1EB 237, f. & ef. 7-9-76;
Repealed by 1EB 265,
f. & ef. 8-22-77]

Rules and Policies
581-24-055 [1EB 237, f. & ef. 7-9-76;
Repealed by 1 EB265,
f. & ef. 8-22-77]

Boundary Board
581-24-060 [1EB 237, f. & ef. 7-9-76
Repealed by 1EB 265,
f. & ef. 8-22-77]

Instructional Assistance Programs and Services
581-24-065 [1EB 237, f. & ef. 7-9-76;
Repealed by 1EB 265,
f. & ef. 8-22-77]

Special Education Programs
581-24-070 [1EB 237, f. & ef. 7-9-76;
Repealed by 1EB 265,
f. & ef. 8-22-77]

State Board Assistance
581-24-075 [1EB 237, f. & ef. 7-9-76;
Repealed by 1EB 2
f. & ef. 8-22-77]

Facilities
581-24-080 [1EB 237, f. & ef. 7-9-76;
Repealed by 1EB 265,
f. & ef. 8-22-77]

Attendance Supervision
581-24-085 [1EB 237, f. & ef. 7-9-76;
Repealed by 1EB 265,
f. & ef. 8-22-77]

District Services
581-24-090 [1EB 237, f. & ef. 7-9-76;
Repealed by 1EB 265,
f. & ef. 8-22-77]

Administration
581-24-095 [1EB 237, f. & ef. 7-9-76;
Repealed by 1EB 265,
f. & ef. 8-22-77]

Safety and Emergency Planning
581-24-100 [1EB 237, f. & ef. 7-9-76;
Repealed by 1EB 265,
f. & ef. 8-22-77]

Auxiliary Services
581-24-105 [1EB 237, f. & ef. 7-9-76;
Repealed by 1EB 265,
f. & ef. 8-22-77]

Standards for Education Service Districts

Legal Name, Common Name and Annexation

581-24-200 (1) The initial name of a regional education service district for the purposes of section 2 (6), chapter 611, Oregon Laws 1995, shall be a unique name agreed upon by the existing board or boards of directors within the region. The agreement shall be evidenced by a resolution or resolutions signed by a majority of the members of each existing board of directors. The resolution or resolutions shall be submitted to the Department of Education not later than January 10, 1996. If the resolution or resolutions are not submitted to the Department by January 10, 1996, the initial name of the regional education service district shall be the acronym ESD, followed by the word "Region" and the corresponding region number specified in ORS 334.020 (1995 Replacement Part).

(2) For regions that contain more territory than a single education service district prior to the

board's order of annexation, the surviving district of the annexation for the purposes of section 2 (2), chapter 611, Oregon Laws 1995, shall be the district agreed upon by all of the existing boards of directors within the region. The agreement shall be evidenced by a resolution or resolutions signed by a majority of the members of each existing board of directors. The resolution or resolutions shall be submitted to the Department of Education not later than January 10, 1996. If the resolution or resolutions are not submitted to the Department by January 10, 1996, the surviving district shall be the district whose taxing authority, except as to taxes permitted under section 11 (3), Article XI of the Oregon Constitution, equals or most closely approximates but is not less than the sum of the tax base amounts for each of the education service districts in the region, as otherwise determined under section 11 (2), Article XI of the Oregon Constitution.

Stat. Auth.: ORS 334.020
Stats. Implemented: ORS 334.020
Hist.: EB 29-1995, f. & cert. ef. 12-11-95

Definitions

Definitions

581-24-205 The following definitions apply to OAR 581-24-205 through 581-24-310 unless otherwise indicated by context:

(1) "Annual Report" document prepared by the district and filed by October 31 of each year with the Department. The Annual Report includes both a completed "Self-Appraisal Form" and a "Service and Performance Summary" as identified on forms provided by the Department.

(2) "Assessment": activities designed to secure and organize information describing district performance relative to its own instructional and support service goals;

(3) "Board": State Board of Education;

(4) "Component": a school district whose administrative office is within the district;

(5) "Department": Oregon Department of Education;

(6) "District": an education service district;

(7) "District Board": an education service district board;

(8) "Noncomponent": a school district whose administrative office is outside the district;

(9) "Public Entity" is a unit of local, state, or federal government;

(10) "Private entity" is not a unit of local, state, or federal government and includes, but is not limited to, a not-for-profit or business organization;

(11) "Service": the activities provided by the district in response to statutes, administrative rules, district board directives, resolutions and contracts;

(12) "Service Evaluation": the adopted method, system, or the way by which the effectiveness of service goals is measured;

(13) "Service Goals": statements of desired service outcomes for each district instructional service for the entire system stated in terms of the activities to be implemented;

(14) "Service Improvement": using assessment and needs identification information in making service revisions that reduce needs identified;

(15) "Service Needs Identification": procedures to specify and rank actual and desired outcomes of district services sufficient to warrant considering program revision;

(16) "Standard District": a district having met provisions of Division 24 of Board administrative rules;

(17) "Substandard District": a district not meeting the provisions of Division 24 of Board administrative rules; and

(18) "Superintendent": State Superintendent of Public Instruction.

Stat. Auth.: ORS Ch. 334
Stats. Implemented: ORS 334.125
Hist: 1EB 265, f. & ef. 8-22-77; 1EB 4-1985, f. 1-4-85, ef. 7-1-85; EB 10-1994, f. & cert. ef. 8-16-94

Powers and Duties

581-24-206 Pursuant to ORS 334.125, the district board is authorized to transact appropriate business and is required to perform certain duties.

(1) Every district shall comply with the statues and rules governing the transaction of public business to include directives on budgeting and expenditures.

(2) Every district shall comply with Board adopted administrative rules and applicable statutes.

(3) The district board shall perform all duties required by law, including but not limited to those identified in ORS 342.125(3) as follows:

(a) Distribute school funds as it is empowered to apportion. Distribution shall be done in a timely and accurate manner;

(b) Conduct of audits requiring the district to assist components to meet the budgeting, accounting and audit requirements (OAR 581-24-265), to serve as a public depository for just completed audits and maintain past audit reports for 20 years;

(c) Serve as district boundary board as identified in ORS 330.081 - 330.310 and OAR 581-24-252;

(d) Prepare an annual operating budget in accordance with the local budget section of ORS Chapter 294, the local Budget Law, and the chart of accounts contained in the program Budget and Accounting Manual as adopted by the State Board of Education;

(e) Conduct curriculum improvement activities which include working with components to identify appropriate instructional programs and assisting the Board in providing state level service to the components so that they may meet state standards, comply with state and federal laws and meet student and district needs. Attention shall be given to Board identified curriculum improvements and to facilitating a smooth transition in implementing the required changes;

(f) Conduct special education programs in accordance with ORS 343 and Board criteria as identified in rules and contracts. Each district shall help components identify their special education needs and plan how these needs may be met. A copy of the needs and plan shall be on file at the district office;

(g) Contract bonded indebtedness in the manner authorized by statute. Bonds are to be issued pursuant to ORS 328.205 to 328.295 and other laws applicable to the issuance of bonds; and

(h) Review periodically with components, their operations, and submit to the components plans that would achieve economies and efficiencies through consolidation of various operations of all or some of the components. The district and its components shall submit an annual report to the Board on the effectiveness of the consolidation of operations.

Stat. Auth.: ORS 334.125
Stats. Implemented: ORS 334.125
Hist: EB 16-1994, f. & cert. ef. 11-14-94

Purpose and Goals

581-24-208 (1) Each district board shall adopt a statement of goals compatible with the legislated purpose of districts.

(2) In accordance with ORS 334.005 the purposes of the districts are:

(a) An equitable and excellent education must be provided to all children in the state. Assuring an opportunity for such an education has been and will continue to be a major purpose of districts;

(b) Districts are needed to assist the Board in providing state-level services, to deliver essential support services to school districts so that the school districts meet state standards and comply with state laws, and to respond to component needs. Districts offer expertise and specialized resources that few school districts can provide on their own;

(c) All child-and youth-serving organizations must work closely together for the mutual benefit of those they serve. Districts shall play an important role in achieving interorganizational cooperation and coordination in their regions with components, county governments, health care agencies, social service agencies and employment training agencies. Private agencies should be encouraged to participate in the regional service delivery system through contractual agreements;

(d) As client-centered organizations, districts must respect the differences in needs of school districts by using varied and flexible service delivery modes and by giving school districts the opportunity to participate in decisions about what services will be offered.

Stat. Auth.: ORS 334.005 & 334.217
Stats. Implemented: ORS 334.125
Hist: EB 10-1994, f. & cert. ef. 8-16-94

Standardization

Administration of the Standardization Requirements

581-24-210 (1) The State Board of Education by adopting Oregon Administrative Rules establishes standards to determine the adequacy of services and facilities provided by an education service district. In establishing these standards the Board shall consider the most economic method of providing services and facilities, the quality of the services and facilities according to the best educational standards, and the needs of the students.

(2) The standards include rules in Division 24 of Chapter 581 of Oregon Administrative Rules. The Board requires substantial compliance with applicable statutes and rules.

(3) The evaluation for compliance shall be conducted through the review of an annual report. In addition, an on-site evaluation of the district shall be done at intervals not to exceed five years. The evaluation team named by the Department shall use the annual report, district records, and the on-site evaluations in determining the degree to which these standards are met.

(4) The Department shall use the standards and the district's annual report to identify which standards are to be evaluated and reported on during the on-site visit. The district will be notified of the standards to be evaluated and the dates of the visit at least 90 days prior to the on-site visit. The district shall prepare exhibits that document its activities relative to the identified standards.

(5) Each district shall prepare and forward by October 31 to the Department an annual report as required in OAR 581-24-226.

(6) The on-site visit will be conducted by a team chaired by Department staff person with additional members from the Department, other education service districts and components. The size of the team shall be determined by the Department in accordance with the standards to be reviewed and the complexity of the programs and services.

(7) The chair of the team shall, within 30 days of the visit, present to the district a draft report of the team's findings. The district's response must be received by the Department not later than 30 days after the district's receipt of the draft report.

Stat. Auth.: ORS 334.217
Stats. Implemented: ORS 334.125
Hist: 1EB 237, f. & ef. 7-9-76; 1EB 265, f. & ef. 8-22-77; 1EB 4-1985, f. 1-4-85, ef. 7-1-85; EB 16-1994, f. & cert. ef. 11-14-94

Waiver Provisions

581-24-212 (1) When a district believes it is not feasible to comply with a specific standard, it may petition the Board for a waiver.

(2) The Department will encourage districts to develop carefully planned pilot or experimental services, and the Department will give latitude to districts to deviate from these standards for this purpose. When such a service requires deviation from these standards, the district shall submit a petition describing its proposed service to the Superintendent and secure Board approval prior to implementing the change. Approval, if granted, shall be for a specified time and may be followed by Department evaluation of the service.

(3) The petition for waiver shall:

(a) Identify the specific standard for which the waiver is requested;

(b) Specify why the district cannot reasonably comply with the standard;

(c) Specify how the district's proposed alternative will provide the services or facilities required; and

(d) Identify a maximum time for which the waiver is requested.

(4) The Superintendent shall recommend to the Board approval of waivers when the district superintendent provides satisfactory assurance that planned services meet the intent of standards and district needs. The district board shall adopt all petitions for waivers.

(5) Except for applications submitted in

accordance with the 21st Century School Program, ORS 329.535 to 329.605, petitions for waivers modifying requirements specified in the Oregon Revised Statutes shall not be approved.

Stat. Auth.: ORS 334.217
Stats. Implemented: ORS 334.217
Hist: 1EB 4-1985, f. 1-4-85, ef. 7-1-85; EB 10-1994, f. & cert. ef. 8-16-94

Assignment of Standardization Classification

581-24-215 (1) The district's standardization status shall be determined by the State Superintendent of Public Instruction and reported to the district not later than 90 days from the conclusion of the on-site visit. The official standardization classification shall consider the annual report including the "Self-Appraisal", "Service and Performance Summary", district records, the on-site evaluation, and the district's response.

(2) The classification shall be:

(a) Standard district; or

(b) Substandard district.

(3) A district classified standard meets the requirements of Division 24 of Chapter 581 of the Oregon Administrative Rules.

(4) A district classified substandard shall submit a district board-adopted correction plan to the Board within 60 days of being classified substandard. The plan shall contain specific steps to correct each deficiency, completion dates for correction and the district board-adoption date. The Board may accept, reject or modify the plan.

(5) The Board may withhold funds from the State School Fund allocation or may merge a substandard district with a contiguous standard district if, after the district has been provided substantial time and technical assistance, has made unsatisfactory progress toward meeting its correction plan, or cannot find, other acceptable alternatives.

Stat. Auth.: ORS Ch. 334
Stats. Implemented: ORS 334.125
Hist: 1EB 237, f. & ef. 7-9-76; 1EB 265, f. & ef. 8-22-77; 1EB 4-1985, f. 1-4-85, ef. 7-1-85; EB 16-1994, f. & cert. ef. 11-14-94

Waiver Provisions

581-24-220 [1EB 237, f. & ef. 7-9-76;
1EB 265, f. & ef. 8-22-77;
Repealed by 1EB 8-1985,
f. 1-30-85, ef. 7-1-85]

Planning, Assessment and Evaluation

Planning of Services

581-24-225 Each district board shall adopt and implement a planning process which involves component districts. The plan shall be in accordance with the purpose and goals, and power and duties of districts and provide for:

(1) District board-adopted goals, including:

(a) Instructional service goals, to the extent the district conducts such instructional services; and

(b) Support service goals to the extent the district conducts such support services.

(2) Identifying instructional and support service needs and determining priorities for addressing them. This process shall involve the participation of the components in determining service needs.

(3) Policies and procedures for making improvements in instructional and support services. These policies and procedures shall aim at reducing identified needs having highest priority in the district.

Stat. Auth.: ORS 334.005, 334.125 & 334.175
Stats. Implemented: ORS 334.005, 334.125 & 334.175
Hist: 1EB 237, f. & ef. 7-9-76; Renumbered from 581-24-025 by 1EB 265, f. & ef. 8-22-77; 1EB 33-1978, f. & ef. 10-5-78; 1EB 15-1979, f. 10-4-79, ef. 10-5-79; 1EB 4-1985, f. 1-4-85, ef. 7-1-85; EB 10-1994, f. & cert. ef. 8-16-94

Assessment and Evaluation of Services

581-24-226 (1) Each district board shall file by October 31 of each year with the Superintendent of Public Instruction an annual report to include a completed "Self-Appraisal Report" and a "Service and Performance Summary" as identified on Department forms.

(2) To adequately complete the report, the district shall have on file information regarding the process and implementation of an assessment procedure, including:

(a) A description of the services provided with appropriate documentation of the quantitative data gathered;

(b) A numerical accounting of district personnel by job description and service area; and

(c) A statement of operational cost for each service provided.

(3) In addition, the district shall have completed an evaluation of the assessment data in relation to the service goals, and shall have on file:

(a) Information obtained in the assessment activity;

(b) A summary of the reports from components regarding services provided by the district; and

(c) A list of deficiencies with plans for correction.

Stat. Auth.: ORS 334.217
Stats. Implemented: ORS 334.217
Hist: 1EB 4-1985, f. 1-4-85, ef. 7-1-85; EB 16-1994, f. & cert. ef. 11-14-94

Review School District Operations

581-24-228 (1) Pursuant to ORS 334.125(9) each district board shall adopt a policy and procedure describing how the district shall work cooperatively with components to periodically review their operations.

(2) The results of the review and report shall be summarized and reported to the Board as part of the district's annual report which is to be submitted by October 31 of each year.

(3) Unless specifically waived by the Board, the operations to be reviewed shall be accomplished as follows:

(a) Accounting, payroll and printing — 1995;

(b) Transportation — 1996;

(c) Legal services, investments and auditing — 1997;

(d) Insurance and student records — 1998.

(4) Other similar services are subject to review as agreed upon by the district and components. Nothing in the above requirement prevents an Education Service District and its components from

reviewing any or all of the operations listed in subsection (3)(a), (b), (c), and (d) of this rule at any time.

(5) Future review of operations and similar services will be as established by the Board.

Stat. Auth.: ORS 334.125(9)
Stats. Implemented: ORS 334.125
Hist: EB 16-1994, f. & cert. ef. 11-14-94

Instructional Services

Instructional Services

581-24-230 [1EB 237, f. & ef. 7-9-76;
1EB 265, f. & ef. 8-22-77;
Repealed by 1EB 33-1978,
f. & ef. 10-5-78]

Curriculum Improvement

581-24-231 (1) Each district shall maintain:

(a) Plans and procedures for determining unmet needs in the district, and for designing and implementing services to be provided by the district;

(b) A process for assessing the planned services; and

(c) A documentation of the authority for each service; i.e., ORS 334.125, 334.175 or 334.185.

(2) Districts providing the instructional support services shall do so, subject to available funds, by one or more of the following:

(a) Resolution approved by components as provided in ORS 334.175(2) and (4);

(b) Contract with one or more components or the Department as provided in ORS 334.175(3);

(c) District board decision to provide these and other services as authorized in ORS 334.125; or

(d) Contract with one or more noncomponents as provided in ORS 334.185.

(3) Districts providing services shall:

(a) Assign appropriate staff to supervise each service where any component wants the special services;

(b) Assist components to gather, analyze and report group test and measurement data relating to student progress as requested.

Stat. Auth.: ORS 334.125, 334.175 & 334.185
Stats. Implemented: ORS 334.125, 334.175 & 334.185
Hist: 1EB 33-1978, f. & ef. 10-5-78; 1EB 15-1979, f. 10-4-79, ef. 10-5-79; 1EB 4-1985, f. 1-4-85, ef. 7-1-85; EB 10-1994, f. & cert. ef. 8-16-94

Special Education Services

581-24-235 Each district shall cooperate with its components to:

(1) Demonstrate that it has met state and federal requirements when providing special education and related services to children; with disabilities; and

(2) Assist components, to the extent that it provides services, to gather, analyze and report individualized testing data.

Stat. Auth.: ORS 334.125 & 334.175
Stats. Implemented: ORS 334.125 & 334.175
Hist: 1EB 265, f. & ef. 8-22-77; 1EB 15-1979, f. 10-4-79, ef. 10-5-79; 1EB 4-1985, f. 1-4-85, ef. 7-1-85; EB 10-1994, f. & cert. ef. 8-16-94

Support Services

Administration

581-24-240 (1) Each district board shall adopt rules, policies and procedures pursuant to ORS 334.125(7), and shall make such information available upon request.

(2) Each district shall complete and forward promptly all reports required by state and federal governments.

(3) Each district shall cause all employees responsible for funds, fees or cash collections to be covered under a district board-approved bond.

Stat. Auth.: ORS 334.005, 334.125 & 334.240
Stats. Implemented: ORS 334.125
Hist: 1EB 237, f. & ef. 7-9-76; 1EB 265, f. & ef. 8-22-77; 1EB 4-1985, f. 1-4-85, ef. 7-1-85; EB 10-1994, f. & cert. ef. 8-16-94

Staff

581-24-245 (1) Each district shall employ staff as needed to accomplish the goals of the district as; adopted by the district board, provided for in its annual budget, required in ORS 342.505 to 342.970, 653.310 to 653.340 and Chapter 659.

(2) Each district shall assign:

(a) Licensed personnel in accordance with Rules of Licensures; and

(b) All personnel in accordance with their position descriptions.

(3) Each district shall maintain personnel policies to include:

(a) An affirmative action plan assuring equal employment opportunities for all persons regardless of age, handicap, national origin, race, marital status, religion or sex; and

(b) Liaison between the district board and its employees, described by means of a chart or written statement.

(4) Personnel policies shall be provided to all employees and made available to the public.

Stat. Auth.: ORS Ch. 334
Stats. Implemented: ORS 334.125
Hist: 1EB 237, f. & ef. 7-9-76; 1EB 265, f. & ef. 8-22-77; 1EB 4-1985, f. 1-4-85, ef. 7-1-85; EB 15-1994, f. & cert. ef. 10-3-94

District Boundary Board

581-24-250 In fulfilling its statutory responsibility to serve as district boundary board, the education service district board shall:

(1) Maintain official minutes showing its actions as district boundary board since the last standardization visit;

(2) Insure that meetings and minutes of the district boundary board are separate from its actions as district board;

(3) Maintain a current record showing the boundaries and numbers of the components in the district based on official records in the offices of the respective county assessors;

(4) Adopt policies under ORS 330.090(5); and

(5) Adopt procedures for conducting hearings and reporting findings and conclusions in accordance with the requirements of OAR 581-25-005 through 581-25-015.

Stat. Auth.: ORS Ch. 334

Stats. Implemented: ORS 330.090
Hist: 1EB 237, f. & ef. 7-9-76; 1EB 265, f. & ef. 8-22-77; 1EB 4-1985, f. 1-4-85, ef. 7-1-85; EB 6-1989, f. & cert. ef. 1-26-89; EB 15-1994, f. & cert. ef. 10-3-94

Boundary Changes

581-24-252 (1) The Board shall serve as the boundary board for districts. While serving as the boundary board the Board shall determine if a proposed boundary change is feasible and if the matter shall be submitted to the electors of each district. The Board, upon request, shall make available preprinted forms for petition and cause its staff to review and, if appropriate, modify statements of proposed boundary changes as they are to appear on the yet-to-be signed petitions.

(2) Upon receipt of a petition from each proposing district containing the signatures of at least 100 electors or a number of electors of the district equal to five percent of the electors in the district, the Board shall consider the proposal. Consideration by the Board shall not be later than its second regular meeting following receipt of the qualified petition. At that meeting the Board shall review the petition and if appropriate:

(a) Fix the time and place for a public hearing in each of the proposing districts to discuss the proposal;

(b) Cause notices of the hearings to be published in accordance with ORS 330.400;

(c) Name a Hearings Officer, Board member or Department staff person to conduct the public hearings and to present a written report on the hearings to the Superintendent. The report shall be submitted to the Superintendent within 15 days of the last hearing;

(d) Notify the district boards of each district designated by the petition of this rule. This notification shall be issued to be received by each district within 15 days of the Board's action.

(3) At the public hearing in each proposing district the presiding officer shall cause to have discussed the effect on the proposed district. The hearing shall be conducted in accordance with procedures identified in ORS Chapter 183.

(4) Following the public hearings and receipt of the hearings report the Superintendent shall prepare for the Board's consideration at its next regular meeting an analysis and recommendation on the proposal. The recommendation shall consider whether the proposed district would have the characteristics identified in ORS 334.690(1-5) and is feasible (ORS 334.720(2)).

(5) The Board shall consider the boundary change proposal including the Superintendent's analysis and recommendation and the hearings officer's report. The Board shall consider whether the proposed district would have the characteristics identified in ORS 334.690. To favorably consider the proposal the Board shall determine that the proposed district is in the best interest of the state and the students and school districts to be served. The Board may:

(a) Find the petition feasible and approve submitting the question of the proposed district to the electors of each district at the next regular district election;

(b) Find the petition to be unfeasible, denying the request to place the matter before the electors; or

(c) Postpone action until the next meeting. Action by the Board shall be accomplished not later than its second meeting following receipt of the report on the hearings.

(6) Expenses incurred for the election shall be paid by each district as specified in ORS 255.305.

Stat. Auth.: ORS 255.305, 334.690, 334.710 & 334.720
Stats. Implemented: ORS 255.305, 335.690, 334.710 & 334.720
Hist: EB 10-1994, f. & cert. ef. 8-16-94

Attendance Supervision

581-24-255 Each district shall provide attendance supervisors for components of less than 1,000 ADM.

Stat. Auth.: ORS 339.040
Stats. Implemented: ORS 339.040
Hist: 1EB 237, f. & ef. 7-9-76; 1EB 265, f. & ef. 8-22-77; 1EB 4-1985, f. 1-4-85, ef. 7-1-85; EB 10-1994, f. & cert. ef. 8-16-94

Children Instructed by Parent or Private Teacher

581-24-257 Each district shall perform those duties assigned to the Education Service District and Superintendent as identified in OAR 581-21-026 through 581-21-029.

Stat. Auth.: ORS 339.005 thru 339-090
Stats. Implemented: ORS 339.035
Hist: EB 10-1994, f. & cert. ef. 8-16-94

Budgets

581-24-260 Each district board shall:

(1) Provide evidence that the district budget has been properly developed, adopted and implemented;

(2) Assist components when requested to develop annual budgets; and

(3) Maintain a file of district and component budgets as finally adopted.

Stat. Auth.: ORS 334.125 & 334.240
Stats. Implemented: ORS 334.125 & 334.240
Hist: 1EB 237, f. & ef. 7-9-76; 1EB 265, f. & ef. 8-22-77; 1EB 15-1979, f. 10-4-79, ef. 10-5-79; 1EB 4-1985, f. 1-4-85, ef. 7-1-85; EB 10-1994, f. & cert. ef. 8-16-94

Budget Committee

581-24-262 (1) The budget committee of a district shall consist of the voting members of the district board and a number of electors, equal to the number of voting members of the district board plus one, who are members of component boards.

(2) The district board shall adopt policies assuring equitable representation of the component school districts and which identify the nomination and appointment process. Terms of appointment shall be for three years.

(3) Sections (1) and (2) of this rule are not applicable when the district has a population exceeding 100,000 and is located in a county which has a tax supervising and conservation commission which shall serve as the budget committee. (See ORS 294.341

Stat. Auth.: ORS 334.240

Stats. Implemented: ORS 334.240
Hist: EB 10-1994, f. & cert. ef. 8-16-94

Audits

581-24-265 (1) Each district shall insure that an annual audit of components and its own accounts is conducted and shall:

(a) File in the district office a copy of these annual audits;

(b) Assist components, as requested, to meet budgeting, accounting and audit requirements of state agencies; and

(c) Maintain a file of components' audits.

(2) By January 1 of each year the district shall file with the Department the district audit for the previous year.

Stat. Auth.: ORS Ch. 294, 334.125(3)(b) & 334.217
Stats. Implemented: ORS 334.125 & 334.217
Hist: 1EB 237, f. & ef. 7-9-76; 1EB 265, f. & ef. 8-22-77; 1EB 15-1979, f. 10-4-79, ef. 10-5-79; 1EB 4-1985, f. 1-4-85, ef. 7-1-85; EB 16-1994, f. & cert. ef. 11-14-94

State Board Assistance

581-24-270 (1) Each district shall assist the Board and Department pursuant to the provisions of ORS 334.005(2) in providing state-level services and support of statutes and standards.

(2) Each district shall verify how it has assisted components to comply with statutes and rules applicable to their operation.

(3) Each district shall gather and forward information the Department requires or requests.

(4) Each district shall, within its capabilities and when requested, provide personnel to assist in Department standardization visits and curriculum improvement.

Stat. Auth.: ORS 334.005 & 334.217
Stats. Implemented: ORS 334.005 & 334.217
Hist: 1EB 237, f. & ef. 7-9-76; 1EB 265, f. & ef. 8-22-77; 1EB 15-1979, f. 10-4-79, ef. 10-5-79; 1EB 4-1985, f. 1-4-85, ef. 7-1-85; EB 10-1994, f. & cert. ef. 8-16-94

Facilities and Safety and Emergency Planning

581-24-275 (1) Each district shall operate a central office and such other physical facilities as needed to meet district goals and statutory requirements.

(2) Each district shall maintain inspection reports showing the district in compliance with health and safety regulations.

(3) Each district shall conduct and document regularly scheduled safety inspections of all facilities and properties under its direct jurisdiction, including required fire drills if children use these facilities.

(4) Each district shall post an emergency medical plan for obtaining first aid, ambulance, hospital and physician services.

(5) First-aid supplies and qualified first-aid personnel shall be available at district facilities.

Stat. Auth.: ORS 334.125 & 334.217
Stats. Implemented: ORS 334.125 & 334.217
Hist: 1EB 237, f. & ef. 7-9-76; 1EB 265, f. & ef. 8-22-77; 1EB 4-1985, f. 1-4-85, ef. 7-1-85; EB 10-1994, f. & cert. ef. 8-16-94

Auxiliary Services

581-24-280 Each district choosing to engage in auxiliary services with components or other agencies shall do so consistent with district goals and shall document planning and assessment procedures for each such service.

Stat. Auth.: ORS 334.005, 334.125, 334.145(3), 334.175, 334.185 & 334.195
Stats. Implemented: ORS 334.005, 334.125, 334.145, 334.175, 334.185 & 334.195
Hist: 1EB 237, f. & ef. 7-9-76; 1EB 265, f. & ef. 8-22-77; EB 10-1994, f. & cert. ef. 8-16-94

Resolution Services

581-24-285 (1) The district board shall adopt a policy describing how the district meets ORS 334.005(4) and 334.175 on providing resolution services to components

(2) "Resolution services" are facilities, programs and associated tasks that are provided by the district for components as agreed to by the boards of the components with approval of the district board in accordance with ORS 334.175(2) and applicable Oregon Administrative Rules. Resolution services must be agreed upon on or before March 1 by resolution of two-thirds of the boards of the components which have a majority of the pupils enrolled in the school districts of the district.

Stat. Auth.: ORS 334.005 & 334.175
Stats. Implemented: ORS 334.005
Hist: EB 16-1994, f. & cert. ef. 11-14-94

Providing Space, Other Facilities and Services

581-24-288 (1) The District board by agreement or contract may provide space for the offices of other education, employment training and human services agencies or organizations. The district board by policy shall set the conditions and terms of such agreements or contracts which may be on a reimbursable basis or at an agreed upon cost to the user.

(2) The district board by itself or in combination with other districts, school districts or public and private entities may provide services and facilities to components when agreed to as resolution services as identified by rule and ORS 334.175(1) and (2).

(3) The district board by itself or in combination with a school district or other public or private entity may provide facilities and services to a component or a combination of components. Facilities or services provided shall be by agreement with either no cost to the user or on a cost reimbursable basis.

(4) The district board may provide to noncomponents facilities and services as identified and approved by the district board. Facilities or services provided shall be identified by agreement to include a reimbursable basis of compensation, or as identified and approved by the district board.

(5) The district board may provide to other public and private entities the facilities and services provided to components as authorized in section (2) of this rule. Facilities or services provided shall be by agreement with either no cost to the user, or on a cost reimbursable basis.

(6) The district board shall adopt policies on

providing appropriate facilities and services as identified in sections (1), (3), (4), and (5) of this rule and for resolution services as authorized by ORS 334.175 and OAR 581-24-285 to include provision for no cost to the user, an agreed to cost or a cost reimbursable basis. These adopted policies shall preclude the district from sponsoring, financially supporting or participating in religious activity.

(7) A cost reimbursable basis is computed at the actual and true cost to the district which may include administrative costs or the fair market value, both of which are established by the district board.

Stat. Auth.: ORS 334.005, 334.125, 334.145, 334.175 & 334.185
Stats. Implemented: ORS 334.005, 334.125, 334.145, 334.175 & 334.185
Hist: EB 16-1994, f. & cert. ef. 11-14-94

Advisors to the Board

581-24-290 (1) Each district board shall appoint, as nonvoting advisory members to the board, a person to represent employment training agencies and a person to represent social service agencies in the district.

(2) The advisory members shall be appointed for two year terms and may be reappointed. Notwithstanding the two year term of office, one of the two advisory members initially chosen shall serve for two years and one shall serve for three years as determined by lot.

(3) For purposes of this rule, a representative of an employment training agency is a person from the area who is knowledgeable about employment training issues and is a board or staff member affiliated with one of the following:

(a) Regional workforce quality committee;
(b) Community college;
(c) Vocational rehabilitation agency;
(d) Employment department or employment office;
(e) Job Training Partnership Act program;
(f) JOBS program;
(g) Job Service Employer Committee; or
(h) Other public or private organization with an employment training purpose.

(4) For purposes of this rule, a representative of a social service agency is a person from the area who is knowledgeable about service issues and is a board or staff member affiliated with one of the following:

(a) County commission on children and families;
(b) County health department;
(c) Adult and family service agency;
(d) Children's service agency;
(e) Head Start or Oregon Prekindergarten Program;
(f) Family resource center;
(g) Juvenile justice department;
(h) Teen parent program;
(i) Minority health program;
(j) Legal aid;
(k) Women's infant and children program; or
(l) Other public or private organization with a social service purpose.

(5) Advisory members shall be appointed to promote interoganizational cooperation and coordination in the region and shall not serve as representatives of any specific organization.

(6) Advisory members shall:

(a) Assist the district board in analyzing the issues, proposals, and requests before them;
(b) Receive the information sent to the members of the district board;
(c) Participate in regular district board and budget committee meetings but shall not participate in executive sessions of the district board except by invitation of the district board; and
(d) Meet criteria of performance established by the district board.

Stat. Auth.: ORS 334.025(3)
Stats. Implemented: ORS 334.025
Hist: EB 10-1994, f. & cert. ef. 8-16-94

Advisory Committees

581-24-300 (1) Except as required in section (2) of this rule, the district board may appoint local advisory committees to represent the interest of areas within the district and to advise the district board on matters of concern within the area.

(2) If two or more components adopt resolutions petitioning the district board to establish a local advisory committee, the district board shall establish such a committee.

(3) A local advisory committee shall represent more than one component board.

(4) The district board shall adopt policies concerning the composition, number of members, term of office, manner of appointment, and duties of the advisory committees.

Stat. Auth.: ORS 334.025(4)
Stats. Implemented: ORS 334.025
Hist: EB 10-1994, f. & cert. ef. 8-16-94

Gifts and Bequests

581-24-310 Each district board shall, subject to ORS 334.215 and 294.326, adopt a policy concerning acceptance of bequests of money and gifts and for their deposit and expenditure. By policy or duly adopted motion the district board may refuse to accept donations that it deems not to be in the district's best interest.

Stat. Auth.: ORS 334..215
Stats. Implemented: ORS 334.215
Hist: EB 10-1994, f. & cert. ef. 8-16-94

DIVISION 25

DISTRICT BOUNDARY BOARD HEARINGS

District Boundary Board Hearings

581-25-005 (1) The boundary board may develop preprinted forms for a request and a petition for boundary change or merger.

(2) Before the proposed boundary change or merger is considered, the boundary board shall give notice in the manner provided in ORS 330.101(1) and 330.635.

Stat. Auth.: ORS 330.080, 330.090(5), 330.107 & 330.123

Stats. Implemented: ORS 330.080, 330.090, 330.107 & 330.125

Hist.: EB 7-1989, f. & cert. ef. 1-26-89; EB 48-1990, f. & cert. ef. 12-5-90

Final Decision of District Boundary Board

581-25-010 (1) The boundary board shall make, by resolution, the final decision on the proposed boundary change or merger.

(2) Within three days of the final decision, the boundary board shall serve a copy of the resolution of final decision personally or by certified mail upon the affected school districts, each district boundary board with jurisdiction over an affected district, and the petitioners or their designated agent.

Stat. Auth.: ORS 330.080, 330.090(5), 330.107 & 330.123

Stats. Implemented: ORS 330.080, 330.090, 330.107 & 330.125

Hist.: EB 7-1989, f. & cert. ef. 1-26-89; EB 48-1990, f. & cert. ef. 12-5-90

Submission of Record to the State Board of Education

581-25-015 Upon receipt of a copy of the notice of appeal to the State Board of Education, the boundary board shall forward the complete record of its consideration of the request or petition to the State Board within 30 days. The complete record shall include the original request or petition, affidavits of publication of notice of the meeting at which the request or petition was considered and a copy of the notice, and the resolution of final decision.

Stat. Auth.: ORS 330.080, 330.090(5), 330.107 & 330.123

Stats. Implemented: ORS 330.080, 330.090, 330.107 & 330.125

Hist.: EB 7-1989, f. & cert. ef. 1-26-89; EB 48-1990, f. & cert. ef. 12-5-90

Procedure for Appeal to the State Board of Education of a District Boundary Board Decision

581-25-020 (1) A notice of appeal to the State Board of Education under ORS 330.090(5) shall be filed within 30 days of the date of the resolution of final decision of the boundary board:

(a) The notice of appeal submitted by the petitioners shall be signed by all petitioners or their designated agent;

(b) A notice of appeal submitted by the school districts shall be signed by the district superintendent, the chairman of the district board of directors or by the attorney for each school district.

(2) The notice of appeal shall be filed with the State Superintendent of Public Instruction and a copy of the notice of appeal shall be sent to the boundary board.

(3) After consideration of the complete record submitted by the boundary board, the State Board of Education shall order the proposed boundary change or merger if the requirements of ORS 330.080 to 330.101 have been satisfied and shall direct the boundary board to perform the duties described in ORS 330.101 and 308.255

Stat. Auth.: ORS 330.080, 330.090(5), 330.107 & 330.123

Stats. Implemented: ORS 330.080, 330.090, 330.107 & 330.125

Hist.: EB 7-1989, f. & cert. ef. 1-26-89; EB 48-1990, f. & cert. ef. 12-5-90

DIVISION 31

TEACHER EDUCATION AND CERTIFICATES

[**ED. NOTE**: The following Administrative Orders relating to Teacher Education and Certificates were previously adopted by the Department of education: 1 EB 1, filed 2-6-40; 1 EB 19 and 41, filed 1-19-60; 1 EB 46, filed 2-26-60; 1 EB 50, filed 4-19-60; 1 EB 55, filed 12-27-60; 1 EB 67, filed 8-15-61; 1 EB 77, filed 1-22-62; 1 EB 103, filed 12-18-62; 1 EB 104, filed 5-15-73; 1 EB 111 and 112, filed 3-30-64; 1 EB 118, filed 11-28-67; and 1 EB 127(Temp), filed 2-4-72. These rules were repealed following transfer of authority for regulation in this area to the Teacher Standards and Practices Commission.]

Approved Programs for Teacher Education
581-31-005 [1 EB 130, f. 4-21-72, ef. 10-15-72; Repealed by 1 EB 164, f. 2-8-74, ef. 3-15-74]

Standard Teacher Education Institutions
581-31-010 [1 EB 130, f. 4-21-72, ef. 10-15-72; Repealed by 1 EB 164, f. 2-8-74, ef. 3-15-74]

Nonstandard Teacher Education Institutions
581-31-015 [1 EB 130, f. 4-21-72, ef. 10-15-72; Repealed by 1 EB 164, f. 2-8-74, ef. 3-15-74]

How to Obtain an Oregon State Teachers Certificate
581-31-020 [1 EB 130, f. 4-21-72, ef. 10-15-72; Repealed by 1 EB 164, f. 2-8-74, ef. 3-15-74]

Types of Certificates
581-31-025 [1 EB 130, f. 4-21-72, ef. 10-15-72; Repealed by 1 EB 164, f. 2-8-74, ef. 3-15-74]

Fees
581-31-030 [1 EB 130, f. 4-21-72, ef. 10-15-72; Repealed by 1 EB 164, f. 2-8-74, ef. 3-15-74]

Certificates Issued Under Previous Rules
581-31-040 [1 EB 130, f. 4-21-72, ef. 10-15-72; Repealed by 1 EB 164, f. 2-8-74, ef. 3-15-74]

Wavier of Requirements
581-31-050 [1 EB 130, f. 4-21-72, ef. 10-15-72; Repealed by 1 EB 164, f. 2-8-74, ef. 3-15-74]

Requirements for Basic Certificates
581-31-060 [1 EB 130, f. 4-21-72, ef. 10-15-72; Repealed by 1 EB 164, f. 2-8-74, ef. 3-15-74]

Requirements for Standard Certificates
581-31-065 [1 EB 130, f. 4-21-72, ef. 10-15-72; Repealed by 1 EB 164, f. 2-8-74, ef. 3-15-74]

Renewal of Basic Teaching Certificate
581-31-070 [1 EB 130, f. 4-21-72, ef. 10-15-72; Repealed by 1 EB 164, f. 2-8-74, ef. 3-15-74]

Renewal of Standard Teaching Certificate
581-31-075 [1 EB 130, f. 4-21-72, ef. 10-15-72; Repealed by 1 EB 164, f. 2-8-74, ef. 3-15-74]

DIVISION 32

SPECIALIZED PREPARATION NORMS

[**ED. NOTE**: Rules in this Division were repealed following transfer of authority for regulation in this area to the Teacher Standards and Practices Commission.]

Specialized Preparation — General Norms
581-32-005 [1 EB 118, f. 11-28-67, ef. 12-25-67;
1 EB 130, f. 4-21-72, ef. 10-15-72;
Repealed by 1 EB 164,
f. 2-8-74, ef. 3-15-74]

Standard Elementary
581-32-006 [1 EB 118, f. 11-28-67, ef. 12-25-67;
1 EB 130, f. 4-21-72, ef. 10-15-72;
Repealed by 1 EB 164,
f. 2-8-74, ef. 3-15-74]

Basic Secondary (Grades 5-12)
581-32-010 [1 EB 118, f. 11-28-67, ef. 12-25-67;
1 EB 130, f. 4-21-72, ef. 10-15-72;
Repealed by 1 EB 164,
f. 2-8-74, ef. 3-15-74]

Standard Secondary
581-32-011 [1 EB 118, f. 11-28-67, ef. 12-25-67;
1 EB 130, f. 4-21-72, ef. 10-15-72;
Repealed by 1 EB 164,
f. 2-8-74, ef. 3-15-74]

Basic Art
581-32-015 [1 EB 118, f. 11-28-67, ef. 12-25-67;
1 EB 130, f. 4-21-72, ef. 10-15-72;
Repealed by 1 EB 164,
f. 2-8-74, ef. 3-15-74]

Standard Art
581-32-016 [1 EB 118, f. 11-28-67, ef. 12-25-67;
1 EB 130, f. 4-21-72, ef. 10-15-72;
Repealed by 1 EB 164,
f. 2-8-74, ef. 3-15-74]

Basic Business and Office Education
581-32-020 [1 EB 118, f. 11-28-67, ef. 12-25-67;
1 EB 130, f. 4-21-72, ef. 10-15-72;
Repealed by 1 EB 164,
f. 2-8-74, ef. 3-15-74]

Standard Business and Office Education
581-32-021 [1 EB 118, f. 11-28-67, ef. 12-25-67;
1 EB 130, f. 4-21-72, ef. 10-15-72;
Repealed by 1 EB 164,
f. 2-8-74, ef. 3-15-74]

Basic Educational Media
581-32-025 [1 EB 118, f. 11-28-67, ef. 12-25-67;
1 EB 130, f. 4-21-72, ef. 10-15-72;
Repealed by 1 EB 164,
f. 2-8-74, ef. 3-15-74]

Standard Educational Media
581-32-026 [1 EB 118, f. 11-28-67, ef. 12-25-67;
1 EB 130, f. 4-21-72, ef. 10-15-72;
Repealed by 1 EB 164,
f. 2-8-74, ef. 3-15-74]

Basic Foreign Language
581-32-030 [1 EB 118, f. 11-28-67, ef. 12-25-67;
1 EB 130, f. 4-21-72, ef. 10-15-72;
Repealed by 1 EB 164,
f. 2-8-74, ef. 3-15-74]

Standard Foreign Language
581-32-031 [1 EB 118, f. 11-28-67, ef. 12-25-67;
1 EB 130, f. 4-21-72, ef. 10-15-72;
Repealed by 1 EB 164,
f. 2-8-74, ef. 3-15-74]

Basic Health Education (Grades K-12)
581-32-035 [1 EB 118, f. 11-28-67, ef. 12-25-67;
1 EB 130, f. 4-21-72, ef. 10-15-72;
Repealed by 1 EB 164,
f. 2-8-74, ef. 3-15-74]

Standard Heath Education
581-32-036 [1 EB 118, f. 11-28-67, ef. 12-25-67;
1 EB 130, f. 4-21-72, ef. 10-15-72;
Repealed by 1 EB 164,
f. 2-8-74,e.f. 3-15-74]

Basic Health Education (Combined Norm)
581-32-040 [1 EB 118, f. 11-28-67, ef. 12-25-67;
1 EB 130, f. 4-21-72, ef. 10-15-72;
Repealed by 1 EB 164,
f. 2-8-74, ef. 3-15-74]

Standard Health Education (Combined)
581-32-041 [1 EB 118, f. 11-28-67, ef. 12-25-67;
1 EB 130, f. 4-21-72, ef. 10-15-72;
Repealed by 1 EB 164,
f. 2-8-74, ef. 3-15-74]

Basic Home Economics (Nonvocational)
581-32-045 [1 EB 118, f. 11-28-67, ef. 12-25-67;
1 EB 130, f. 4-21-72, ef. 10-15-72;
Repealed by 1 EB 164,
f. 2-8-74, ef. 3-15-74]

Standard Home Economics (Nonvocational)
581-32-046 [1 EB 118, f. 11-28-67, ef. 12-25-67;
1 EB 130, f. 4-21-72, ef. 10-15-72;
Repealed by 1 EB 164,
f. 2-8-74, ef. 3-15-74]

Basic Industrial Education
581-32-050 [1 EB 118, f. 11-28-67, ef. 12-25-67;
1 EB 130, f. 4-21-72, ef. 10-15-72;
Repealed by 1 EB 164,
f. 2-8-74, ef. 3-15-74]

Standard Industrial Education
581-32-051 [1 EB 118, f. 11-28-67, ef. 12-25-67;
1 EB 130, f. 4-21-72, ef. 10-15-72;
Repealed by 1 EB 164,
f. 2-8-74, ef. 3-15-74]

Basic Language Arts
581-32-055 [1 EB 118, f. 11-28-67, ef. 12-25-67;
1 EB 130, f. 4-21-72, ef. 10-15-72;
Repealed by 1 EB 164,
f. 2-8-74, ef. 3-15-74]

Standard Language Arts
581-32-056 [1 EB 118, f. 11-28-67, ef. 12-25-67;
1 EB 130, f. 4-21-72, ef. 10-15-72;
Repealed by 1 EB 164,
f. 2-8-74, ef. 3-15-74]

Basic Speech
581-32-060 [1 EB 118, f. 11-28-67, ef. 12-25-67; 1 EB 130, f. 4-21-72, ef. 10-15-72; Repealed by 1 EB 164, f. 2-8-74, ef. 3-15-74]

Standard Speech
581-32-061 [1 EB 118, f. 11-28-67, ef. 12-25-67; 1 EB 130, f. 4-21-72, ef. 10-15-72; Repealed by 1 EB 164, f. 2-8-74, ef. 3-15-74]

Basic Journalism
581-32-065 [1 EB 118, f. 11-28-67, ef. 12-25-67; 1 EB 130, f. 4-21-72, ef. 10-15-72; Repealed by 1 EB 164, f. 2-8-74, ef. 3-15-74]

Standard Journalism
581-32-066 [1 EB 118, f. 11-28-67, ef. 12-25-67; 1 EB 130, f. 4-21-72, ef. 10-15-72; Repealed by 1 EB 164, f. 2-8-74, ef. 3-15-74]

Basic Drama
581-32-070 [1 EB 118, f. 11-28-67, ef. 12-25-67; 1 EB 130, f. 4-21-72, ef. 10-15-72; Repealed by 1 EB 164, f. 2-8-74, ef. 3-15-74]

Standard Drama
581-32-071 [1 EB 118, f. 11-28-67, ef. 12-25-67; 1 EB 130, f. 4-21-72, ef. 10-15-72; Repealed by 1 EB 164, f. 2-8-74, ef. 3-15-74]

Basic Language Arts and Social Studies
581-32-075 [1 EB 118, f. 11-28-67, ef. 12-25-67; 1 EB 130, f. 4-21-72, ef. 10-15-72; Repealed by 1 EB 164, f. 2-8-74, ef. 3-15-74]

Standard Language Arts and Social Studies
581-32-076 [1 EB 118, f. 11-28-67, ef. 12-25-67; 1 EB 130, f. 4-21-72, ef. 10-15-72; Repealed by 1 EB 164, f. 2-8-74, ef. 3-15-74]

Basic Pre-Algebra and General Math
581-32-080 [1 EB 118, f. 11-28-67, ef. 12-25-67; 1 EB 130, f. 4-21-72, ef. 10-15-72; Repealed by 1 EB 164, f. 2-8-74, ef. 3-15-74]

Standard Pre-Algebra and General Math
581-32-081 [1 EB 118, f. 11-28-67, ef. 12-25-67; 1 EB 130, f. 4-21-72, ef. 10-15-72; Repealed by 1 EB 164, f. 2-8-74, ef. 3-15-74]

Basic Algebra and Geometry
581-32-082 [1 EB 118, f. 11-28-67, ef. 12-25-67; 1 EB 130, f. 4-21-72, ef. 10-15-72; Repealed by 1 EB 164, f. 2-8-74, ef. 3-15-74]

Standard Algebra and Geometry
581-32-083 [1 EB 118, f. 11-28-67, ef. 12-25-67; 1 EB 130, f. 4-21-72, ef. 10-15-72; Repealed by 1 EB 164, f. 2-8-74, ef. 3-15-74]

Basic Advanced Mathematics
581-32-084 [1 EB 118, f. 11-28-67, ef. 12-25-67; 1 EB 130, f. 4-21-72, ef. 10-15-72; Repealed by 1 EB 164, f. 2-8-74, ef. 3-15-74]

Standard Advanced Mathematics
581-32-085 [1 EB 118, f. 11-28-67, ef. 12-25-67; 1 EB 130, f. 4-21-72, ef. 10-15-72; Repealed by 1 EB 164, f. 2-8-74, ef. 3-15-74]

Basic Elementary Music (Grades K-9)
581-32-090 [1 EB 118, f. 11-28-67, ef. 12-25-67; 1 EB 130, f. 4-21-72, ef. 10-15-72; Repealed by 1 EB 164, f. 2-8-74, ef. 3-15-74]

Standard Elementary Music (Grades K-9)
581-32-091 [1 EB 118, f. 11-28-67, ef. 12-25-67; 1 EB 130, f. 4-21-72, ef. 10-15-72; Repealed by 1 EB 164, f. 2-8-74, ef. 3-15-74]

Basic Music (Grades K-12)
581-32-095 [1 EB 118, f. 11-28-67, ef. 12-25-67; 1 EB 130, f. 4-21-72, ef. 10-15-72; Repealed by 1 EB 164, f. 2-8-74, ef. 3-15-74]

Standard Music (Grades K-12)
581-32-096 [1 EB 118, f. 11-28-67, ef. 12-25-67; 1 EB 130, f. 4-21-72, ef. 10-15-72; Repealed by 1 EB 164, f. 2-8-74, ef. 3-15-74]

Basic Physical Education (Grades 5-12)
581-32-105 [1 EB 118, f. 11-28-67, ef. 12-25-67; 1 EB 130, f. 4-21-72, ef. 10-15-72; Repealed by 1 EB 164, f. 2-8-74, ef. 3-15-74]

Standard Physical Education (Grades 5-12)
581-32-106 [1 EB 118, f. 11-28-67, ef. 12-25-67; 1 EB 130, f. 4-21-72, ef. 10-15-72; Repealed by 1 EB 164, f. 2-8-74, ef. 3-15-74]

Basic Physical Education (Grades K-12)
581-32-110 [1 EB 118, f. 11-28-67, ef. 12-25-67; 1 EB 130, f. 4-21-72, ef. 10-15-72; Repealed by 1 EB 164, f. 2-8-74, ef. 3-15-74]

Standard Physical Education (Grades K-12)
581-32-111 [1 EB 118, f. 11-28-67, ef. 12-25-67; 1 EB 130, f. 4-21-72, ef. 10-15-72; Repealed by 1 EB 164, f. 2-8-74, ef. 3-15-74]

Basic Sciences — Biology, Physical Sciences, Earth Science, and Science Integrated
581-32-115 [1 EB 118, f. 11-28-67, ef. 12-25-67; 1 EB 130, f. 4-21-72, ef. 10-15-72; Repealed by 1 EB 164, f. 2-8-74, ef. 3-15-74]

Standard Sciences
581-32-116 [1 EB 118, f. 11-28-67, ef. 12-25-67;
1 EB 130, f. 4-21-72, ef. 10-15-72;
Repealed by 1 EB 164,
f. 2-8-74, ef. 3-15-74]

Basic Social Studies
581-32-120 [1 EB 118, f. 11-28-67, ef. 12-25-67;
1 EB 130, f. 4-21-72, ef. 10-15-72;
Repealed by 1 EB 164,
f. 2-8-74, ef. 3-15-74]

Standard Social Studies
581-32-121 [1 EB 118, f. 11-28-67, ef. 12-25-67;
1 EB 130, f. 4-21-72, ef. 10-15-72;
Repealed by 1 EB 164,
f. 2-8-74, ef. 3-15-74]

Norms Required for Teachers of Art, Foreign Language, Home Economics, or Industrial Education to Teach in Both Elementary and Secondary Schools
581-32-125 [1 EB 118, f. 11-28-67, ef. 12-25-67;
1 EB 130, f. 4-21-72, ef. 10-15-72;
Repealed by 1 EB 164,
f. 2-8-74, ef. 3-15-74]

Special Education Norms
581-32-205 [1 EB 118, f. 11-28-67, ef. 12-25-67;
1 EB 130, f. 4-21-72, ef. 10-15-72;
Repealed by 1 EB 164,
f. 2-8-74, ef. 3-15-74]

Basic Deaf Norm
581-32-210 [1 EB 118, f. 11-28-67, ef. 12-25-67;
1 EB 130, f. 4-21-72, ef. 10-15-72;
Repealed by 1 EB 164,
f. 2-8-74, ef. 3-15-74]

Standard Deaf Norm
581-32-211 [1 EB 118, f. 11-28-67, ef. 12-25-67;
1 EB 130, f. 4-21-72, ef. 10-15-72;
Repealed by 1 EB 164,
f. 2-8-74, ef. 3-15-74]

Basic Extreme Learning Problems (Exclusive of Mental Retardation)
581-32-215 [1 EB 118, f. 11-28-67, ef. 12-25-67;
1 EB 130, f. 4-21-72, ef. 10-15-72;
Repealed by 1 EB 164,
f. 2-8-74, ef. 3-15-74]

Standard "Extreme" Learning Problems
581-32-216 [1 EB 118, f. 11-28-67, ef. 12-25-67;
1 EB 130, f. 4-21-72, ef. 10-15-72;
Repealed by 1 EB 164,
f. 2-8-74, ef. 3-15-74]

Basic Mentally Retarded
581-32-220 [1 EB 118, f. 11-28-67, ef. 12-25-67;
1 EB 130, f. 4-21-72, ef. 10-15-72;
Repealed by 1 EB 164,
f. 2-8-74, ef. 3-15-74]

Standard Mentally Retarded
581-32-221 [1 EB 118, f. 11-28-67, ef. 12-25-67;
1 EB 130, f. 4-21-72, ef. 10-15-72;
Repealed by 1 EB 164,
f. 2-8-74, ef. 3-15-74]

Basic Physically Handicapped
581-32-225 [1 EB 118, f. 11-28-67, ef. 12-25-67;
1 EB 130, f. 4-21-72, ef. 10-15-72;
Repealed by 1 EB 164,
f. 2-8-74, ef. 3-15-74]

Standard Physically Handicapped
581-32-226 [1 EB 118, f. 11-28-67, ef. 12-25-67;
1 EB 130, f. 4-21-72, ef. 10-15-72;
Repealed by 1 EB 164,
f. 2-8-74, ef. 3-15-72]

Basic Visually Handicapped
581-32-230 [1 EB 118, f. 11-28-67, ef. 12-25-67;
1 EB 130, f. 4-21-72, ef. 10-15-72;
Repealed by 1 EB 164,
f. 2-8-74, ef. 3-15-74]

Standard Visually Handicapped
581-32-231 [1 EB 118, f. 11-28-67, ef. 12-25-67;
1 EB 130, f. 4-21-72, ef. 10-15-72;
Repealed by 1 EB 164,
f. 2-8-74, ef. 3-15-74]

Basic Speech Correctionist
581-32-235 [1 EB 118, f. 11-28-67, ef. 12-25-67;
1 EB 130, f. 4-21-72, ef. 10-15-72;
Repealed by 1 EB 164,
f. 2-8-74, ef. 3-15-74]

Standard Speech Correctionist
581-32-236 [1 EB 118, f. 11-28-67, ef. 12-25-67;
1 EB 130, f. 4-21-72, ef. 10-15-72;
Repealed by 1 EB 164,
f. 2-8-74, ef. 3-15-74]

Basic Counselor
581-32-305 [1 EB 118, f. 11-28-67, ef. 12-25-67;
1 EB 130, f. 4-21-72, ef. 10-15-72;
Repealed by 1 EB 164,
f. 2-8-74, ef. 3-15-74]

Standard Counselor
581-32-306 [1 EB 118, f. 11-28-67, ef. 12-25-67;
1 EB 130, f. 4-21-72, ef. 10-15-72;
Repealed by 1 EB 164,
f. 2-8-74, ef. 3-15-74]

Standard School Psychologist
581-32-310 [1 EB 118, f. 11-28-67, ef. 12-25-67;
1 EB 130, f. 4-21-72, ef. 10-15-72;
Repealed by 1 EB 164,
f. 2-8-74, ef. 3-15-74]

Basic Supervisor
581-32-315 [1 EB 118, f. 11-28-67, ef. 12-25-67;
1 EB 130, f. 4-21-72, ef. 10-15-72;
Repealed by 1 EB 164,
f. 2-8-74, ef. 3-15-74]

Standard Supervisor
581-32-316 [1 EB 118, f. 11-28-67, ef. 12-25-67;
1 EB 130, f. 4-21-72, ef. 10-15-72;
Repealed by 1 EB 164,
f. 2-8-74, ef. 3-15-74]

Vocational Education Norms
581-32-405 [1 EB 118, f. 11-28-67, ef. 12-25-67;
1 EB 130, f. 4-21-72, ef. 10-15-72;
Repealed by 1 EB 164,
f. 2-8-74, ef. 3-15-74]

Basic Norm

581-32-410 [1 EB 118, f. 11-28-67, ef. 12-25-67; 1 EB 130, f. 4-21-72, ef. 10-15-72; Repealed by 1 EB 164, f. 2-8-74, ef. 3-15-74]

Standard Norm

581-32-411 [1 EB 118, f. 11-28-67, ef. 12-25-67; 1 EB 130, f. 4-21-72, ef. 10-15-72; Repealed by 1 EB 164, f. 2-8-74, ef. 3-15-74]

Basic Norm in Agriculture Education

581-32-415 [1 EB 118, f. 11-28-67, ef. 12-25-67; 1 EB 130, f. 4-21-72, ef. 10-15-72; Repealed by 1 EB 164, f. 2-8-74, ef. 3-15-74]

Standard Norm in Agriculture Education

581-32-416 [1 EB 118, f. 11-28-67, ef. 12-25-67; 1 EB 130, f. 4-21-72, ef. 10-15-72; Repealed by 1 EB 164, f. 2-8-74, ef. 3-15-74]

For Norms in Business and Office

581-32-417 [1 EB 118, f. 11-28-67, ef. 12-25-67; 1 EB 130, f. 4-21-72, ef. 10-15-72; Repealed by 1 EB 164, f. 2-8-74, ef. 3-15-74]

Vocational Directors

581-32-420 [1 EB 118, f. 11-28-67, ef. 12-25-67; 1 EB 130, f. 4-21-72, ef. 10-15-72; Repealed by 1 EB 164, f. 2-8-74, ef. 3-15-74]

Vocational Supervisors

581-32-425 [1 EB 118, f. 11-28-67, ef. 12-25-67; 1 EB 130, f. 4-21-72, ef. 10-15-72; Repealed by 1 EB 164, f. 2-8-74, ef. 3-15-74]

Vocational Coordinator's or Instructor Coordinator Certificate

581-32-430 [1 EB 118, f. 11-28-67, ef. 12-25-67; 1 EB 130, f. 4-21-72, ef. 10-15-72; Repealed by 1 EB 164, f. 2-8-74, ef. 3-15-74]

Special Vocational Certificates

581-32-435 [1 EB 118, f. 11-28-67, ef. 12-25-67; 1 EB 130, f. 4-21-72, ef. 10-15-72; Repealed by 1 EB 164, f. 2-8-74, ef. 3-15-74]

One-Year Certificate

581-32-436 [1 EB 118, f. 11-28-67, ef. 12-25-67; 1 EB 130, f. 4-21-72, ef. 10-15-72; Repealed by 1 EB 164, f. 2-8-74, ef. 3-15-74]

Five-Year Certificate

581-32-437 [1 EB 118, f. 11-28-67, ef. 12-25-67; 1 EB 130, f. 4-21-72, ef. 10-15-72; Repealed by 1 EB 164, f. 2-8-74, ef. 3-15-74]

Certificate Renewal

581-32-440 [1 EB 118, f. 11-28-67, ef. 12-25-67; 1 EB 130, f. 4-21-72, ef. 10-15-72; Repealed by 1 EB 164, f. 2-8-74, ef. 3-15-74]

Vocational Teacher Preparation

581-32-441 [1 EB 118, f. 11-28-67, ef. 12-25-67; 1 EB 130, f. 4-21-72, ef. 10-15-72; Repealed by 1 EB 164, f. 2-8-74, ef. 3-15-74]

DIVISION 33

ADMINISTRATIVE CERTIFICATION

Administrative Certificates
581-33-005 [1 EB 118, f. 11-28-67, ef. 12-25-67;
1 EB 133, f. 7-5-72, ef. 7-15-72;
Repealed by 1 EB 164,
f. 2-8-74, ef. 3-11-74]

Preparation for Certification
581-33-010 [1 EB 118, f. 11-28-67, ef. 12-25-67;
1 EB 133, f. 7-5-72, ef. 7-15-72;
Repealed by 1 EB 164,
f. 2-8-74, ef. 3-11-74]

Approved Program Requirements for Basic Administrative Certificate
581-33-015 [1 EB 118, f. 11-28-67, ef. 12-25-67;
1 EB 133, f. 7-5-72, ef. 7-15-72;
Repealed by 1 EB 164,
f. 2-8-74, ef. 3-11-74]

Approved Program Renewal of Basic Administrative Certificate
581-33-020 [1 EB 118, f. 11-28-67, ef. 12-25-67;
1 EB 133, f. 7-5-72, ef. 7-15-72;
Repealed by 1 EB 164,
f. 2-8-74, ef. 3-11-74]

Approved Program Requirements for Standard Administrative Certificate
581-33-025 [1 EB 118, f. 11-28-67, ef. 12-25-67;
1 EB 133, f. 7-5-72, ef. 7-15-72;
Repealed by 1 EB 164,
f. 2-8-74, ef. 3-11-74]

Experience Assessment Administrative Certification Program
581-33-030 [1 EB 118, f. 11-28-67, ef. 12-25-67;
1 EB 133, f. 7-5-72, ef. 7-15-72;
Repealed by 1 EB 164,
f. 2-8-75, ef. 3-11-74]

Experience Assessment Requirements for Basic Certificate
581-33-035 [1 EB 118, f. 11-28-67, ef. 12-25-67;
1 EB 133, f. 7-5-72, ef. 7-15-72;
Repealed by 1 EB 164,
f. 2-8-74, ef. 3-11-74]

Experience Assessment Renewal of Basic Certificate
581-33-040 [1 EB 118, f. 11-28-67, ef. 12-25-67;
1 EB 133, f. 7-5-72, ef. 7-15-72;
Repealed by 1 EB 164,
f. 2-8-74, ef. 3-11-74]

Experience Assessment Requirements for Standard Certificate
581-33-045 [1 EB 118, f. 11-28-67, ef. 12-25-67;
1 EB 133, f. 7-5-72, ef. 7-15-72;
Repealed by 1 EB 164,
f. 2-8-74, ef. 3-11-74]

Norm for Standard Administrative Certificate Superintendent
581-33-050 [1 EB 118, f. 11-28-67, ef. 12-25-67;
1 EB 133, f. 7-5-72, ef. 7-15-72;
Repealed by 1 EB 164,
f. 2-8-74, ef. 3-11-74]

Norm for Standard Administrative Certificate !m1M!x Principal
581-33-055 [1 EB 118, f. 11-28-67, ef. 12-25-67;
1 EB 133, f. 7-5-72, ef. 7-15-72;
Repealed by 1 EB 164,
f. 2-8-74, ef. 3-11-74]

Renewal of Standard Administrative Certificates
581-33-060 [1 EB 118, f. 11-28-67, ef. 12-25-67;
1 EB 133, f. 7-5-72, ef. 7-15-72;
Repealed by 1 EB 164,
f. 2-8-74, ef. 3-11-74]

Temporary Administrative Certificate
581-33-065 [1 EB 118, f. 11-28-67, ef. 12-25-67;
1 EB 133, f. 7-5-72, ef. 7-15-72;
Repealed by 1 EB 164,
f. 2-8-74, ef. 3-11-74]

Restricted Administrative Certificate
581-33-070 [1 EB 118, f. 11-28-67, ef. 12-25-67;
1 EB 133, f. 7-5-72, ef. 7-15-72;
Repealed by 1 EB 164,
f. 2-8-74, ef. 3-11-74]

DIVISION 34

RESTRICTED CERTIFICATES

[**ED. NOTE**: Rules in this Division were repealed following transfer of authority for regulation in this area to the Teacher Standards and Practices Commission.]

Restricted Certificates in Special Subjects
581-34-005 [1 EB 118, f. 11-28-67, ef. 12-25-67;
1 EB 130, f. 4-21-72, ef. 10-15-72;
Repealed by 1 EB 164,
f. 2-8-74, ef. 3-15-74]

Certificate Renewal
581-34-006 [1 EB 118, f. 11-28-67, ef. 12-25-67;
1 EB 130, f. 4-21-72, ef. 10-15-72;
Repealed by 1 EB 164,
f. 2-8-74, ef. 3-15-74]

Restricted Certificates for Exchange Teachers
581-34-010 [1 EB 118, f. 11-28-67, ef. 12-25-67;
1 EB 130, f. 4-21-72, ef. 10-15-72;
Repealed by 1 EB 164,
f. 2-8-74, ef. 3-15-74]

Request of Employing Superintendent
581-34-011 [1 EB 118, f. 11-28-67, ef. 12-25-67;
1 EB 130, f. 4-21-72, ef. 10-15-72;
Repealed by 1 EB 164,
f. 2-8-74, ef. 3-15-74]

Satisfaction of Superintendent of Public Instruction
581-34-012 [1 EB 118, f. 11-28-67, ef. 12-25-67;
1 EB 130, f. 4-21-72, ef. 10-15-72;
Repealed by 1 EB 164,
f. 2-8-74, ef. 3-15-74]

Restricted Certificates for Elementary Teachers
581-34-015 [1 EB 118, f. 11-28-67, ef. 12-25-67;
1 EB 130, f. 4-21-72, ef. 10-15-72;
Repealed by 1 EB 164,
f. 2-8-74, ef. 3-15-74]

Restricted Elementary II
581-34-016 [1 EB 118, f. 11-28-67, ef. 12-25-67;
1 EB 130, f. 4-21-72, ef. 10-15-72;
Repealed by 1 EB 164,
f. 2-8-74, ef. 3-15-74]

Restricted Elementary III
581-34-017 [1 EB 118, f. 11-28-67, ef.12-25-67;
1 EB 130, f. 4-21-72, ef. 10-15-72;
Repealed by 1 EB 164,
f. 2-8-74, ef. 3-15-74]

Restricted Elementary IV
581-34-018 [1 EB 118, f. 11-28-67, ef. 12-25-67;
1 EB 130, f. 4-21-72, ef. 10-15-72;
Repealed by 1 EB 164,
f. 2-8-74, ef. 3-15-74]

Restricted Elementary V
581-34-019 [1 EB 118, f. 11-28-67, ef. 12-25-67;
1 EB 130, f. 4-21-72, ef. 10-15-72;
Repealed by 1 EB 164,
f. 2-8-74, ef. 3-15-74]

Restricted Certificates for Substitute Teachers
581-34-020 [1 EB 118, f. 11-28-67, ef. 12-25-67;
1 EB 130, f. 4-21-72, ef. 10-15-72;
Repealed by 1 EB 164,
f. 2-8-74, ef. 3-15-74]

Substitue Teachers Certifcate
581-34-021 [1 EB 118, f. 11-28-67, ef. 12-25-67;
1 EB 130, f. 4-21-72, ef. 10-15-72;
Repealed by 1 EB 164,
f. 2-8-74, ef. 3-15-74]

DIVISION 35

ASSIGNMENT OF STAFF

[**ED. NOTE**: Rules in this Division were repealed following transfer of authority for regulation in this area to the Teacher Standards and Practices Commission.]

Assignment of Staff

581-35-005 [1 EB 118, f. 11-28-67, ef. 12-25-67; 1 EB 130, f. 5-5-72, ef. 10-15-72; 1 EB 165, f. 2-8-74, ef. 3-11-74; Repealed by 1 EB 224, f. & ef. 5-5-76]

Administrator Report

581-35-006 [1 EB 118, f. 11-28-67, ef. 12-25-67; 1 EB 130, f. 5-5-72, ef. 10-15-72; 1 EB 165, f. 2-8-74, ef. 3-11-74; Repealed by 1 EB 224, f. & ef. 5-5-76]

Assignments

581-35-007 [1 EB 118, f. 11-28-67, ef. 12-25-67; 1 EB 130, f. 5-5-72, ef. 10-15-72; Repealed by 1 EB 224, f. & ef. 5-5-76]

DIVISION 36

TEACHING INTERNSHIP

Legal Basis for the Teaching Internship
581-36-005 [1 EB 118, f. 11-27-67, ef. 12-25-67; 1 EB 131, f. 5-19-72, ef. 6-1-72; Repealed by 1 EB 235, f. 6-11-76, ef. 6-18-76]

Purpose of the Teaching Internship
581-36-010 [1 EB 118, f. 11-27-67, ef. 12-25-67; 1 EB 131, f. 5-19-72, ef. 6-1-72; Repealed by EB 15-1995, f. & cert. ef. 5-25-95]

Authorized Institutions
581-36-015 [1 EB 118, f. 11-27-67, ef. 12-25-67; 1 EB 131, f. 5-19-72, ef. 6-1-72; Repealed by 1 EB 235, f. 6-11-76, ef. 6-18-76]

Institutional Plans
581-36-020 [1 EB 118, f. 11-27-67, ef. 12-25-67; 1 EB 131, f. 5-19-72, ef. 6-1-72; Repealed by 1 EB 235, f. 6-11-76, ef. 6-18-76]

Standards for Internship Programs
581-36-025 [1 EB 118, f. 11-27-67, ef. 12-25-67; 1 EB 131, f. 5-19-72, ef. 6-1-72; Repealed by EB 15-1995, f. & cert. ef. 5-25-95]

Written Agreements
581-36-030 [118, f. 11-27-67, ef. 12-25-67; 1 EB 131, f. 5-19-72, ef. 6-1-72; Repealed by EB 15-1995, f. & cert. ef. 5-25-95]

DIVISION 37

EDUCATIONAL ASSISTANTS

[**ED. NOTE:** Administrative Order 1EB 107, filed 10-31-63 was previously adopted relating to Teacher Aides.]

Definitions

581-37-005 (1) The terms "teacher" and "educational assistant" refer to persons defined as such in ORS 342.120.

(2) "Supervision" refers to responsibility for and management of the program staff of which administrators, teachers and assistants are members.

Stat. Auth.: ORS Ch. 342
Stats. Implemented: ORS 343.120
Hist: 1EB 118, f. 11-28-67, ef. 12-25-67; 1EB 131, f. 5-12-72, ef. 6-1-72; 1EB 227, f. & ef. 6-4-76; 1EB 15-1980, f. & ef. 6-9-80; EB 7-1990, f. & cert. ef. 1-26-90

Qualifications of Educational Assistants

581-37-006 A teacher aide shall:

(1) Have a high school diploma or such knowledge and experience determined by the local district superintendent to be sufficient to function as an educational assistant.

(2) Have standards of moral character as required of teachers.

Stat. Auth.: ORS Ch. 342
Stats. Implemented: ORS 343.120
Hist: 1EB 227, f. & ef. 6-4-76; 1EB 20-1980(Temp), f. & ef. 7-15-80; 1EB 5-1981, f. & ef. 2-12-81; EB 7-1990, f. & cert. ef. 1-26-90

[**ED. NOTE**: The text of Temporary Rules is not printed in the Oregon Administrative Rules Compilation. Copies may be obtained from the adopting agency or the Secretary of State.]

Functions of Teacher Aides

581-37-010 [1EB 131, f. 5-19-72, ef. 6-1-72;
Repealed by 1EB 15-1980,
f. & ef. 6-9-80]

Assignment and Direction and Supervision of Educational Assistants

581-37-015 (1) The assistant shall assist a teacher only in a supportive capacity. The role of the educational assistant is adaptable to many support tasks, and nothing in these rules should be interpreted as limiting assistants only to the performance of classroom duties. Educational assistant tasks may include:

(a) Instructional support — Tasks performed by assistants to supplement students' basic instruction by offering students opportunities to practice and apply what they have learned;

(b) Clerical support — Tasks such as preparing materials, duplicating and operating audiovisual equipment, which are primarily concerned with the physical arrangement of the learning environment; and

(c) Student control — Such duties as supervision of lunchroom's and playground areas, assisting with fire drills, monitoring students in hallways, etc.

(2) Any assistant assigned to instruction-related activities shall work under the direction of the teacher assigned to that instructional station.

(3) A plan of supervision for the assistant shall provide for:

(a) Access to assistance and consultation; and

(b) Regular monitoring of the assistant's performance to determine effectiveness of the assigned tasks and the effect on students.

Stat. Auth.: ORS Ch. 342
Stats. Implemented: ORS 343.120
Hist: 1EB 131, f. 5-19-72, ef. 6-1-72; 1EB 15-1980, f. & ef. 6-9-80; EB 7-1990, f. & cert. ef. 1-26-90

Registration of Teacher Aides

581-37-020 [1EB 131, f. 5-19-72, ef. 6-1-72;
1EB 241, f. & ef. 8-27-76;
Repealed by 1EB 15-1980,
f. & ef. 6-9-80]

Training of Educational Assistants

581-37-025 Districts employing educational assistants shall provide or arrange for suitable training for such personnel to prepare them to perform such functions as they may be assigned.

Stat. Auth.: ORS Ch. 342
Stats. Implemented: ORS 343.120
Hist: 1EB 131, f. 5-19-72, ef. 6-1-72; EB 7-1990, f. & cert. ef. 1-26-90

Credentialing of Educational Assistants

581-37-030 The Oregon State Board of Education will require no certificate, diploma or other credential (except the prerequisite high school diploma or its equivalent as a condition for employment as a educational assistant.

Stat. Auth.: ORS Ch. 342
Stats. Implemented: ORS 343.120
Hist: 1EB 131, f. 5-19-72, ef. 6-1-72; EB 7-1990, f. & cert. ef. 1-26-90

Selection of Teacher Aides

581-37-035 [1EB 131, f. 5-19-72, ef. 6-1-72;
Repealed by 1EB 235,
f. 6-11-76, ef. 6-18-76]

DIVISION 38

REVOCATION OR SUSPENSION OF CERTIFICATES

[**ED. NOTE:** Rules in this Division were repealed following transfer of authority for regulation in this area to the Teacher Standards and Practices Commission.]

Revocation of Suspension of Teacher's or Administrator's Certificate; Notice, Hearing Order, Reinstatement

581-38-005 [1 EB 81, f. 6-6-62;
1 EB 118, f. 11-28-67, ef. 12-25-67;
Repealed by 1 EB 224,
f. & ef. 5-5-76]

Appeal to the State Board of Education From Superintendent's Order Revoking or Suspending Certificate or Denying Reinstatement

581-38-010 [1 EB 81, f. 6-6-62;
1 EB 118, f. 11-28-67, ef. 12-25-67;
Repealed by 1 EB 224,
f. & ef. 5-5-76]

DIVISION 40

METHOD OF AWARDING COMPETITIVE GRANTS

Method of Awarding Competitive Grants

581-40-000 (1) For purposes of the rule:

(a) "Grants" are defined as awards of funds to support specific programs;

(b) "Sub-grants" are defined as portions of a grant awarded to the Office of Community College Services or the Office of Professional Technical Education, or both, and apportioned to individuals or organizations within the state;

(c) "Entitlements" are defined as a method of distributing funds that ensures each potential recipient receives an equitable portion;

(d) "Competitive Grants" are defined as a method of distributing funds that requires judging the best response to a Request for Proposal (RFP);

(e) "OCCS" is defined as the Office of Community College Services;

(f) "OPTE" is defined as the Office of Professional Technical Education.

(2) Funding awards for OCCS projects shall be approved by OCCS designated project manager, budget manager, and the Commissioner of Community College Services.

(3) Funding awards for OPTE projects shall be approved by OPTE designated project manager, budget manager, and the Superintendent of Public Instruction.

(4) Other groups or individual specified by funding entity shall also be involved in the approval process.

(5) OCCS or OPTE project manager will design a Request for Proposal (RFP) that reflects requirements of state or federal legislation.

(6) Mailing requirements and deadlines will be included in the RFP.

(7) Project manager shall identity prospective review committee members and prepare proposal scoring sheets prior to RFP distribution. Review committees shall be knowledgeable about the programs to be funded and related legislation but no person who plans to be an applicant for a grant or sub-grant shall serve on the review committee. Committee members shall be sent copies of proposals and copies of scoring sheets at least one week prior to awards meeting by the project manager. Principles for reviewing grant proposals shall be distributed with copies of proposals and scoring sheets. All proposals shall be submitted to every member of the committee for review.

(8) Negotiations for minor changes in proposals may be conducted by telephone; notes of the conversation shall be made part of the project file.

(9) The Commissioner of Community College Services or the Superintendent of Public Instruction, as designated by the funding source, shall make recommendations on which proposals will be awarded grants.

(10) Project manager shall promptly notify both successful and unsuccessful candidates by certified mail with a return receipt requested to verify dates of delivery. Both successful and unsuccessful applicants shall be allowed access to a summary of comments and suggestions related to their proposals.

(11) Applicants shall have one week from the date of delivery of the notification letters to supply corrective information to the Commissioner of Community College Services or the Superintendent of Public Instruction as appropriate. Decisions made after the one week review period are final.

(12) All grant awards will be placed on the State Board of Education consent agenda at the meeting following approval by the Commissioner of Community College Services or the Superintendent of Public Instruction.

Stat. Auth.: ORS 341.655
Stats. Implmented: ORS 341.655
Hist.: EB 29-1993(Temp), f. & cert. ef. 9-30-93; EB 35-1993, f. & cert. ef. 12-14-93

[ED. NOTE: The text of Temporary Rules is not printed in the Oregon Administrative Rules Compilation. Copies may be obtained from the adopting agency or the Secretary of State.]

DIVISION 41

COMMUNITY COLLEGE DISTRICT FORMATION

Notice of Proposed Rule

581-41-000 Prior to the adoption, amendments, or repeal of any rule the State Board of Education shall give notice of the proposed adoption, amendment, or repeal:

(1) In the Secretary of State's Bulletin referred to in ORS 183.360 at least 15 days prior to the effective date.

(2) By mailing a copy of the notice to persons on the State Board of Education's mailing list established pursuant to ORS 183.335(7).

(3) By mailing a copy of the notice to the following persons, organizations, or publications:

(a) Associated Press and United Press International;

(b) Chancellor's Office, State Department of Higher Education;

(c) Established student organizations that have submitted mailing addresses;

(d) Community College Districts and Service Districts;

(e) The Oregon Community College Association;

(f) The Oregon Education Association;

(g) The Office of Education Policy and Planning;

(h) The Oregon Federation of Teachers;

(i) The Oregon School Employees Association.

Stat. Auth.: ORS Ch. 294 & 341
Stats. Implemented: ORS 183.335
Hist.: EB 12-1991, f. & cert. ef. 7-19-91

581-41-005 [Renumbered to 581-42-150]

Model Rules of Procedure

581-41-006 Pursuant to the provision of ORS 183.341, the State Board of Education adopts the Attorney General's Administrative Law Manual and Model Rules of Procedure effective November 4, 1991, under the Administrative Procedure Act, as amended subsequent to the 1985 Legislative Session.

Stat. Auth.: ORS Ch. 294 & 341
Stats. Implemented: ORS 183.341
Hist.: EB 12-1991, f. & cert. ef. 7-19-91

[**ED. NOTE:** The full text of the Attorney General's Model Rules of Procedure is available from the office of the Attorney General or the Department of Education.]

581-41-010 [Renumbered to 581-42-150]

Fees

581-41-011 (1) Information Dissemination and Public Records: The State Board of Education, through the Office of Community College Services, may charge a fee based upon actual cost of reproducing, handling and shipping, or public records on request.

(2) The State Board of Education authorizes the Office of Community College Services to charge the following fees for Equivalency Certificate:

(a) All persons taking the General Education Development (GED) tests shall be required to pay a $15 state fee at the time they begin testing;

(b) Persons seeking a Certificate of Equivalency shall be issued that certificate upon verification that the state fee has been paid and that requirements of OAR 581-43-600 have been met;

(c) Duplicate certificates and/or score reports can be secured upon payment of $3 each;

(d) The State Board authorizes the Commissioner to waive the $15 fee upon the recommendation of the Chief Examiner of a testing center after a finding that a person is indigent and unable to pay.

Stat. Auth.: ORS Ch. 294, 326 & 341
Stats. Implemented: ORS 192.440
Hist.: 1EB 130, f. 5-5-72, ef. 10-15-72; 1EB 258, f. 1-31-77, ef. 2-1-77; 1EB 6-1984(Temp), f. & ef. 3-7-84; 1EB 10-1984, f. & ef. 4-13-84; EB 12-1991, f. & cert. ef. 7-19-91; Renumbered from 581-46-005

[**ED. NOTE:** The text of Temporary Rules is not printed in the Oregon Administrative Rules Compilation. Copies may be obtained from the adopting agency or the Secretary of State.]

581-41-015 [Renumbered to 581-42-150]

Definitions

581-41-020 For the purposes of OAR Chapter 581, Divisions 41, 42 and 43, the following definitions apply:

(1) "Commissioner" means the Commissioner for Community College Services appointed under Section 3, Chapter 474, Oregon Laws 1987 or its successor sections.

(2) "Board" means the board of education of a community college district.

(3) "State Board" means the State Board of Education.

(4) "Office" means the Office of Community College Services.

(5) "Community College" means a public institution operated by a community college district for the purposes of providing courses of study limited to not more than two years' full-time attendance and designed to meet the needs of a geographical area by providing educational services, including but not limited to vocational or technical education programs or lower division collegiate programs.

(6) "Community College District" or "District" means a district formed under ORS Chapter 341 to operate one or more community colleges or to secure educational services available at a community college.

(7) "Full-Time Equivalent (FTE) Student", for the purpose of receiving state reimbursement, means a student who carries 510 clock hours over three terms of instruction.

(8) "Reimbursable Full-Time Equivalent (RFTE) Student" means a student defined by section (7) of this rule whose earned hours qualify the district for cost reimbursement by the State in accordance with OAR 581-41-200, et seq.

(9) "Term Hour" means a 50-minute period of course work a week per student for approximately one-third of a school year.

Stat. Auth.: ORS Ch. 341 & 326.550
Stats. Implemented: ORS
Hist.: EB 12-1991, f. & cert. ef. 7-19-91; EB 8-1995, f. & cert. ef. 3-6-95

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581-41-025 [Renumbered to 581-42-300]

581-41-030 [Renumbered to 581-42-300]

581-41-040 [Renumbered to 581-41-230]

Distribution of State Appropriations for Community College Operations

581-41-200 (1) For purposes of this rule, the Community College Support Fund is defined as those funds distributed by the state to the community colleges for purposes of conducting the general educational program.

(2) State Community College Support Fund will be distributed in equal quarterly payments commencing August 15 of each year, and followed by payments on October 15, January 15, and April 15, or upon the Monday following, should these dates occur on a weekend. Payment on August 15 will be based on the Office's best estimate of quarterly entitlement. Payments will be recalculated in December of each year as actual property tax revenues become available and any adjustments will be made in the final two payments of the fiscal year.

(3) Colleges will be required to submit enrollment reports in the format specified by the Commissioner, including numbers of clock hours realized for all coursework, for fourth week by Friday of the fifth week of each term, and a term-end enrollment report by the Friday of the sixth week following the close of each term. If reports are outstanding at the time of the quarterly payments, payment to the college(s) not reporting may be delayed at the discretion of the Commissioner.

(4) Reimbursement from the Community College Support Fund will be made for professional technical, lower division collegiate and other education courses approved by the State Board in accordance with OAR 581-43-000 through 581-43-500. State reimbursement is not available for hobby and recreation courses as defined in OAR 581-43-300.

(5) Residents of the state of Oregon and the state of Idaho will be counted as part of each community college's reimbursable enrollment base in accordance with OAR 581-41-205. Residents of the state of Washington, enrolled in Oregon community colleges pursuant to an approved reciprocity agreement, may be claimed for reimbursement, but no college will be paid for a higher percentage of state of Washington RFTE than is received by it for state of Oregon RFTE.

(6) Distribution of funds to community colleges from the Community College Support Fund will be accomplished through formula, based on the following factors:

(a) Full-time equivalent students. The formula distributes funds based on a certain amount for each full-time equivalent (FTE) student. The amount per FTE is determined by dividing the total number of reimbursable FTE into the amount of revenues available after subtracting the small school payments, contracted out-of-district payments, and any other payments directed by the State Board or the Legislature;

(b) Three-year weighted average FTE count. FTE from the fourth year, the third year, and the second year previous to the funding year are averaged. FTE from the second year previous to the funding year are weighted at .4 (four tenths); FTE from the third and fourth years previous to the funding year are weighted at .3 (three tenths);

(c) For purposes of the funding formula, 510 clock hours will equal one FTE, for all coursework. The Office of Community College Services will make the calculation based on submission of FTE reports by the colleges;

(d) Each college will receive a base payment of $400 per FTE for each FTE up to and including 1100;

(e) Fifty percent of local property tax revenues are included in the formula as part of the statewide resource base. The remaining fifty percent of local property tax revenues remain outside the formula and accrue to the local community college for its use. "Property tax revenues" is defined as the amount determined by the Department of Revenue to be imposed on local property following the application of limits imposed by subsections 11(b)(1) through 11(b)(3), Article XI, of the Oregon Constitution, including operating offsets. This amount becomes the basis for operation of the funding formula without regard to amount of uncollectible taxes or taxes collected from previous years;

(f) Taxes levied or imposed by a community college district to provide a public library system established prior to January 1, 1995 shall be excluded from the definition of property taxes in subsection (6)(e) of this rule.

(7) In 1995-97, with the exception noted in subsection (7)(d) of this rule, the funding formula will be implemented based on the following:

(a) Funds to support contracted out-of-district (COD) programs will be subtracted from the amount appropriated to the Community College Support Fund before the formula is calculated. Amount available for COD will total the 1993-95 amount plus an additional ten percent. Each COD program will receive a biennial appropriation equal to that amount it received in 1993-95 plus ten percent;

(b) Funds to support the University Center housed at Central Oregon Community College in the amount of $125,000 per year for both years of the 1995-97 biennium will be subtracted from the amount appropriated to the Community College Support Funds before the formula is calculated;

(c) Funds remaining in the Community College Support Fund will be divided evenly between the two years of the biennium, less the $1,850,000 excess property tax replacement reduction to the Community College Support Fund enacted by the February 1996 Special Legislative Session for 1995-96. Property taxes used in the calculation of the formula will be equal to 50 percent of the amounts actually imposed in the fiscal year being funded;

(d) In the 1995-96 fiscal year, no college will receive less total state and property tax funds than it received in the 1994-95 fiscal year. In the 1996-97 fiscal year, no college will receive less total state and property tax funds than it received in the 1995-96 fiscal year. For the purposes of this paragraph, property tax funds calculated in 1994-95 are the amount imposed plus offsets without regard to uncollectible taxes or taxes collected from previous years and for the 1996-97 distribution property tax funds calculated in 1995-96 are 50 percent of the amount imposed plus 50 percent of offsets. Also for the purposes of this paragraph, excess property taxes redistributed in 1994-95 and in 1995-96 are excluded;

(e) Colleges which gain under the formula will be reduced proportionately based on their percentage increases until funds are sufficient to support the floor described in subsection (7)(d) of this rule;

(f) In the 1995-96 fiscal year, no college will receive more than a ten percent increase over total state and property tax funds received in the 1994-95 fiscal year. In the 1996-97 fiscal year, no college will receive more than a 10 percent increase over total state and property tax funds received in the 1995-96 fiscal year. For the purposes of this paragraph, property tax funds calculated in 1994-95 are the amount imposed plus offsets without regard to uncollectible taxes or taxes collected from previous years and for the 1996-97 distribution property tax funds calculated in 1995-96 are 50 percent of the amount imposed plus 50 percent of offsets. Also for the purpose of this paragraph, excess property taxes redistributed in 1994-95 and in 1995-96 are[a] excluded;

(g) Any funds remaining following the limit in subsection (7)(f) of this rule shall be distributed to those colleges which are not floored under subsection (7)(d) of this rule but have increased by less than ten percent;

(h) Any funds appropriated to the Community College Support Fund above $322 million amount will be distributed by equal percentages to all colleges until the floored colleges are three percent above the 1994-95 base described in subsection (7)(d) of this rule. All additional funds are applied to raising the payments to colleges which are not floored.

Stat. Auth.: ORS Chapter 294 & 341.626
Stats. Implemented: ORS 341.626
Hist.: EB 14-1987(Temp), f. & ef. 7-30-87; EB 5-1988, f. & cert. ef. 1-14-88; EB 23-1989(Temp), f. & cert. ef. 6-12-89; EB 33-1989, f. & cert. ef. 11-28-89; EB 12-1991, f. & cert. ef. 7-19-91; Renumbered from 581-43-266; EB 24-1991, f. & cert. ef. 11-7-91; EB 33-1991, f. & cert. ef. 12-23-91; EB 8-1992(Temp), f. & cert. ef. 2-26-92; EB 26-1993(Temp), f. & cert. ef. 8-9-93; EB 32-1993, f. & cert. ef. 11-8-93; EB 16-1995, f. & cert. ef. 7-11-95; EB 17-1995(Temp), f. & cert. ef. 7-11-95; EB 26-1995, f. & cert. ef. 11-6-95, EB 8-1996, f. & cert. ef. 5-24-96

[**ED. NOTE:** The text of Temporary Rules is not printed in the Oregon Administrative Rules Compilation. Copies may be obtained from the adopting agency or the Secretary of State.]

Reimbursement and Student Residency

581-41-205 For the purposes of reimbursement by the state:

(1) "Permanent Residence" is defined as a person's home, to which one intends to return after any absence and in which one's dependents reside for an unlimited period of time; and shall be verified by specific documentation. Such documentation may include but is not limited to copies of Oregon Department of Revenue income tax statements; deeds, bills of sale or other papers indicating ownership by the student or a member of his or her family of the dwelling in which he or she resides; appropriate Department of Defense forms indicating that the student took residence in Oregon within one year of being released from active duty in the armed forces; possession of a driver's license issued by the State of Oregon; and evidence indicating that a parent or guardian of a dependent student qualifies as an Oregon resident under this rule.

(2) "Oregon Resident" is defined as a person who currently maintains a permanent residence in the state and whose permanent residence has been maintained in Oregon for no less than ninety continuous days immediately preceding the person's first instructional day of the term (quarter) for which residency is in question.

(3) District policies regarding student residency for state reimbursement purposes shall be subject to the periodic review and approval of the State Board of Education. In the event that approval is not granted, the State Board of Education may withhold reimbursement.

Stat. Auth.: ORS Ch. 294 & 341
Stats. Implemented: ORS 341.626
Hist.: 1EB 9-1979, f. & ef. 6-11-79; EB 12-1991, f. & cert. ef. 7-19-91; Renumbered from 581-43-260

Advanced Payment to Newly Created Community Colleges

581-41-210 A newly created community college district, or community college service district, shall be assigned by the State Board a base allocation level for its initial year of operation, based on the projected budget requirements as set in the feasibility study approved by the State Board. Payments to the new district for its initial year shall be based on the assigned base allocation. From operating funds available to the new district, the Commissioner may advance reasonable sums for organizational expenses. Such an advance may be made only after the new district has formally adopted a budget. An advance will not serve to increase eligibility for state operating funds; it is a partial payment of the sum due the new district from its assigned base allocation.

Stat. Auth.: ORS Ch. 294 & 341
Stats. Implemented: ORS 341.626
Hist.: EB 14-1987(Temp), f. & ef. 7-30-87; EB 5-1988, f. & cert. ef. 1-14-88; EB 23-1989(Temp), f. & cert. ef. 6-12-89; EB 33-1989, f. & cert. ef. 11-28-89; EB 12-1991, f. & cert. ef. 7-19-91; Renumbered from 581-43-266

[**ED. NOTE:** The text of Temporary Rules is not printed in the Oregon Administrative Rules Compilation. Copies may be obtained from the adopting agency or the Secretary of State.]

Distribution of Federal Aid for Adult Basic Education

581-41-215 Federal Funds for Adult Education will be distributed in equal quarterly payments beginning October 15 each year and will be followed by payments on or after January 15, April 15 and August 15. Colleges are required to submit a request for reimbursement each quarter. The August payments are contingent upon receipt of the narrative, statistical and fiscal reports required in the Adult Education Act. If reports are outstanding at the end of the federal fiscal year, payment to the college(s) will be delayed at the discretion of the Commissioner.

Stat. Auth.: ORS Ch. 294 & 341
Stats. Implemented: ORS 341.655
Hist.: EB 12-1991, f. & cert. ef. 7-19-91

Contracts with Agencies, Organizations, and Industries for Which State Reimbursement is Requested

581-41-220 (1) For the purposes of this rule:

(a) "Contracts" is defined to include grant-funded educational services, unless prohibited by the Commissioner or state statute;

(b) "General fund revenue account" is defined as that account which includes all revenues related to the college's basic educational objectives. All revenues not included in some other specific fund are included in the general fund. All revenues associated with the generation of reimbursable full-time equivalent students are included in the general fund;

(c) "Special revenue account" is defined as a fund used to account for the proceeds of specific revenue sources (other than special assessments, expendable trusts, or for major capital projects) that are legally restricted to expenditure for specific purposes, including revenues from specific projects, grants, contracted out-of-district programs, restricted federal projects, and other contracts for designated purposes;

(d) "General education purposes" is defined as those purposes directly associated with the college's basic educational objectives.

(2) When community colleges provide educational services through contracts with agencies, organizations, or industries for their clients and employees, the colleges are entitled to compensation for reimbursable costs as defined by the Office and these rules. The community colleges are responsible for maintaining records which justify their requests for reimbursement from the Office.

(3) FTE attributable to contracts which are accounted for in a college's general fund account can be added to a college's RFTE base and are subject to the reimbursement formula in OAR 581-41-200. Any funds received under the contract from the contracting agency, business, or industry are to be placed into the college's general fund revenue account, or into the college's special revenue account with the Commissioner's approval, and will be used for general education purposes.

Stat. Auth.: ORS Ch. 294 & 341
Stats. Implemented: ORS 341.440
Hist.: 1EB 11-1981, f. 5-6-81, ef. 5-7-81; EB 12-1991, f. & cert. ef. 7-19-91; Renumbered from 581-43-255

Community College Construction

581-41-230 (1) For the purposes of this rule:

(a) "Construction" is defined as the building of a new facility for college district purposes;

(b) "Remodeling" is defined as the renovation, restoration, or repair of an existing college district facility, the result of which places the facility in a position to provide increased access for persons who are disabled, to accommodate new uses, or house expanded activities;

(c) "Maintenance" is defined as the renovation, restoration, repair, or replacement of any college district facilities system, or component part of such a system. Maintenance is distinguished from remodeling by the fact that it does not add to the value of the property or prolong the life of the property, but merely keeps the property in an operating condition over the useful life for which the property was acquired. Facilities systems include, but are not limited to, water systems, sewer and drainage systems, HVAC systems, light systems, road systems, electrical systems, carpets, floors, roofs, walkways, and parking lots;

(d) "Equipment" is defined as tangible personal property of a non-consumable nature, with a useful life of more than one year and a cost exceeding a dollar amount to be specified by the Office;

(e) "Eligible Projects" is defined as any construction, remodeling, or equipment request not prohibited by state statute or administrative rule. ORS 341.933(1) prohibits the use of state funds for the construction of student or faculty housing, facilities for spectators at athletic events, recreational facilities, student health facilities, and noninstructional portions of student centers; and

(f) "Instructional Purpose" is defined as those activities that directly support classroom, shop, or laboratory teaching, basic skills teaching, customized training, tutoring, student testing and assessment, student advising or counseling, and library services.

(2) Colleges shall prepare five-year capital plans documenting their construction, remodeling, and equipment needs, and the projected costs of meeting these needs. These plans shall be updated every two years. After consultation with college officials, the Commissioners shall prescribe forms and timelines for this planning process.

(3) The State Board shall rely upon the submitted plans for the development of capital requests made to the Legislature and Executive Department. The State Board shall approve all capital requests prior to submission to the Legislature or Executive Department.

(4) Unless directed otherwise, the State Board's construction and remodeling requests shall be submitted to the Legislature and Executive Department as a package of prioritized eligible projects. Colleges shall have a right of appeal to the State Board before the construction and remodeling priorities are finally established.

(5) As it develops its final request for construction and remodeling projects, the State Board shall include an eligible project for each college, in each package, provided that the subject colleges have submitted appropriate plans. Further, the State Board shall assign higher relative rank to those projects that:

(a) Clearly serve an instructional purpose (first priority);

(b) Clearly meet an important demonstrated service need of the college (second priority);

(c) Clearly meet a facilities need that cannot be adequately addressed through alternative, interim, or existing facilities (third priority);

(d) Clearly serve to complete a comprehensive community college facility (fourth priority);

(e) Clearly meet an important and articulated objective of the college (fifth priority); and

(f) Clearly reflected evidence of local planning and needs assessment (sixth priority).

(6) Notwithstanding the criteria set out in section (5) of this rule, the Board will review projects left uncompleted prior to the 1987

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biennium and may, at its discretion, move those upward in the list of priorities.

(7) Notwithstanding the criteria set out in section (5) of this rule, construction and remodeling projects that address handicapped access concerns may be included on the State Board's list of requested projects. Handicapped access projects will appear as separate items on the list of projects submitted by the State Board, and such projects will be specifically identified as nonconforming requests.

(8) Construction and remodeling projects shall be subject to the following special considerations:

(a) The cost of necessary initial equipment for a new or remodeled facility shall be an allowable expense within a construction or remodeling request;

(b) The acquisition of an existing facility shall be deemed a construction project within the meaning of this rule;

(c) The costs of acquiring land shall not be an allowable expense within a construction request in those cases where the construction project involves the acquisition of an existing facility. In those cases, the attendant land must represent the smallest practical parcel of land that will serve the acquired facility;

(d) Property subject to a leasehold interest by the college shall be eligible for remodeling funds provided the leasehold extends for at least five years beyond the date of any stated funded improvements;

(e) The value of district employee labor may be included as part of the district match requirement set out in section (9) of this rule provided:

(A) Accurate records are maintained to document the value of the contributed labor;

(B) Prevailing wage, licensing, and other applicable laws are observed;

(C) The contributed labor directly, and exclusively, serves the subject project for the claimed period; and

(D) The contributed labor involves work that is traditionally associated with the building trades.

(f) Construction projects must affect facilities within the boundaries of the requesting district. Remodeling projects in areas served under an existing contracted-out-of-district agreement shall be eligible projects provided such projects otherwise qualify under this rule.

(9) In addition to request for construction and remodeling funds, the State Board may make requests to the Legislature and the Executive Department for equipment purchases. The State Board shall rely upon the submitted five-year plans for the development of such requests. Proposed distribution methods shall be developed after consultation with college officials. Equipment purchases that would support programs associated with those ineligible facilities listed in ORS 341.933(1) will not be part of a State Board request for state funds.

(10) State Board requests for state funds to support the type of projects or purchases described in this rule will not be less than 65 percent of the total cost for each project or purchase, unless a lesser percentage is established by the Commissioner after conversation with the requesting college. The remaining amount of the total cost must come from tuition, local property tax levies, bond issues, serial levies, gifts, grants, or other nonstate sources. A community college district must provide an accounting of all funds expended for any project or purchase subject to this rule. The Commissioner shall prescribe an appropriate accounting method.

(11) The board of a community college applying for state funds appropriated for remodeling or construction purposes shall have prepared plans of the proposed construction or remodeling project which shall be submitted to the Commissioner along with pertinent construction or remodeling documents, and cost estimates. Upon approval by the Commissioner, and any legislatively designated body, the district may proceed to obtain bids and award construction or remodeling contracts.

(12) Notwithstanding section (11) of this rule, the requirement that such plans be submitted may be waived at the discretion of the Commissioner if in the Commissioner's judgment the cost of developing such plans represents an unreasonable overextension of the college's resources. In such cases, the college will submit reasonable estimates.

(13) Upon award of the construction or remodeling grant, the Commissioner shall set aside those state funds appropriated for the project. This amount shall be disbursed to the district in periodic payments related to the progress of construction or remodeling as determined by the Commissioner. The amount paid to the district may not exceed:

(a) The state share of the construction or remodeling costs; or

(b) The amount appropriated for construction or remodeling costs, whichever is less.

(14) If, prior to completion of construction or remodeling, it is found necessary or desirable to substantially modify the contract or specifications covering construction or remodeling, the district must submit such modifications to the Commissioner for approval.

(15) The community college district shall submit such records and reports during the construction or remodeling period and after completion thereof as the Commissioner may require.

(16) The board of a community college applying for state funds appropriated for equipment purchases shall have prepared detailed descriptions of the purchases or projects. These descriptions shall be submitted to the Commissioner along with pertinent specifications and cost estimates. Upon approval by the Commissioner, and any legislatively designated body, the district may proceed to obtain bids and award contracts.

(17) Upon award of the grant to the college, the Commissioner shall set aside those state funds appropriated for the equipment purchases. This amount shall be disbursed to the district on a schedule to be determined by the Commissioner after consulting with the affected district. The amount paid to the district may not exceed:

(a) The state share of the equipment costs; or

(b) The amount appropriated for the equipment costs, whichever is less.

(18) If, at any time, it is found necessary or desirable to modify substantially a planned equipment purchase, the district must submit such modifications to the Commissioner for approval.

(19) The community college district shall submit such records and reports during and after

the equipment purchase as the Commissioner may require.

(20) Title to any real and/or personal property items acquired under this rule is vested with the individual college receiving the grant at the time the college acquires the real and personal property.

Stat. Auth.: ORS Ch. 294, 341 & 474
Stats. Implemented: ORS 341.933
Hist: 1 EB 25-1986, f. & ef. 7-17-86; EB 13-1987(Temp), f. & ef. 7-30-87; EB 4-1988, f. & cert. ef. 1-14-88; EB 21-1989, f. & cert. ef. 5-17-89; EB 12-1991, f. & cert. ef. 7-19-91; Renumbered from 581-41-040

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Audit Adjustments and Appeals

581-41-240 (1) The Office and the State Board have a statutory duty to manage public funds in a prudent manner. This duty includes the responsibility to take reasonable action to correct errors and to prevent the unauthorized use of public funds through the use of periodic audits.

(2) The Office may perform periodic on-site financial and/or statistical audits of community colleges, community college service districts, other grantees, and contractors. The audits shall be conducted to determine compliance with applicable statutes and administrative rules, instructions, and grant and contract terms.

(3) Requests for audits may come from the State Board, Commissioner, Deputy Commissioner, Program Managers, community colleges, contractors, or private citizens. Requests from anyone outside the Office must be routed through the appropriate Program Manager and the Deputy Commissioner, be recommended by the Commissioner, and approved by the State Board.

(4) On-site audit and preparatory audit work shall be performed in accordance with the American Institute of Certified Public Accountants statement on auditing standards.

(5) The audit is to be performed by a person or persons with adequate technical training and proficiency as an auditor.

(6) The Auditor shall prepare a draft report of the audit and forward it to the audited agency with a letter of explanation. The letter will explain alternatives available to the agency in responding to the draft report. The agency's responses shall be forwarded within 60 days to the Auditor for evaluation in preparing the final audit report.

(7) After considering the responses, if any, from the agency on the draft audit report, the Auditor will prepare a final audit report. The Deputy Commissioner shall forward by letter the final audit report to the agency.

(8) Any exceptions involving overclaims (overpayments) or underclaims (underpayments) will be processed as follows unless the Commissioner agrees to an alternative method of adjustment:

(a) Overclaims: The agency will have the option of remitting the excess claim or reducing accordingly the subsequent year's entitlement;

(b) Underclaims: The subsequent year's claim will be adjusted by the amount underclaimed.

(9) The Auditor shall forward audit reports involving overpayment or underpayment to the responsible Program Manager and to the Deputy Commissioner.

(10) If the agency disputes the Office's determination of an audit exception, the agency may appeal to the State Board in the manner provided for a contested case under ORS 183.413 to 183.470. During an appeal, no action will be taken by the Office to effect reimbursement until a decision on the audit under appeal has been reached.

Stat. Auth.: ORS Ch. 294 & 341
Stats. Implemented: ORS 341.709
Hist.: EB 12-1991, f. & cert. ef. 7-19-91

Reporting Requirements

581-41-250 (1) Colleges are required to submit, on or before January 30 of each year, reports of the revenues and expenditures, classified according to the format supplied by the Office.

(2) Colleges are required to submit enrollment reports for fourth week estimates by Friday of the fifth week of each term, and a term-end enrollment report by Friday of the sixth week following the close of each term. If reports are outstanding at the time of the quarterly payments, payment to the college(s) not reporting may be delayed at the discretion of the Commissioner.

(3) Colleges are required to submit to the OCCS one copy of their final audits no later than January 2 of each year following the year for which the audits are conducted.

(4) Rules governing the classification of revenue and expenditure accounts for community colleges are contained in the **Community College Accounting Manual** published by the Office (latest edition). Budget documents and audit reports will conform to these rules. The State Board of Education adopts this publication to fulfill its responsibilities by reference as set forth in ORS 294.356.

[**Publications:** The publication(s) referred to or incorporated by reference in this rule are available from the Department of Education.]

Stat. Auth.: ORS Ch. 294 & 341
Stats. Implemented: ORS 294.352
Hist.: 1EB 5-1982, f. & ef. 2-10-82; EB 10-1987, f. & ef. 5-12-87; EB 14-1987(Temp), f. & ef. 7-30-87; EB 5-1988, f. & cert. ef. 1-14-88; EB 23-1989(Temp), f. & cert. ef. 6-12-89; EB 33-1989, f. & cert. ef. 11-28-89; EB 12-1991, f. & cert. ef. 7-19-91; Renumbered from 581-43-265 & 581-43-266

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Personal Service Contracts

581-41-300 [EB 15-1993, f. & cert. ef. 3-25-93;
Repealed by EB 18-1995,
f. & cert. ef. 7-11-95]

Privacy Rights and Information Reporting in Community Colleges

581-41-400 Applicability. OAR 581-41-400 through 581-41-530 apply to records of students enrolled in Oregon community colleges, including students who have not reached 18 years of age.

Stat. Auth.: ORS 341.290(17)

Stats. Implemented: ORS 341.290
Hist.: EB 7-1994, f. & cert. ef. 4-29-94

Definitions

581-41-410 As used in OAR 581-41-410 through 581-41-530, the following definitions apply:

(1) "Directory Information" means information contained in an education record of a student which would not generally be considered harmful or an invasion of privacy if disclosed. Directory information may include, but is not limited to, the student's name, address, telephone number, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent previous educational institution attended. Each college shall determine what information is designated "directory information".

(2) "Disclosure" means to permit access to or the release, transfer, or other communication of education records, or the personally identifiable information contained in those records, including social security number, to any party, by any means, including oral, written, or electronic means.

(3) "Education Records":

(a) The term means those records that are directly related to a student and maintained by a community college or by a party acting for the community college;

(b) The term does not include:

(A) Records of instructional, supervisory and administrative personnel and educational personnel ancillary to those persons that are kept in the sole possession of the maker of the record, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record;

(B) Records of a law enforcement unit of a community college;

(C) Records relating to an individual who is employed by a community college, that are made and maintained in the normal course of business, that relate exclusively to the individual in that individual's capacity as an employee and that are not available for use for any other purposes. Records relating to an individual in attendance at the college who is employed as a result of his or her status as a student are education records and are not excepted under this subsection;

(D) Faculty records, relating to personal matters of faculty members such as conduct, personal and academic evaluations, and disciplinary actions;

(E) Records on a student who is attending a community college that are:

(i) Made or maintained by a physician, psychiatrist, psychologist or other recognized professional or other recognized professional or paraprofessional acting in his or her professional capacity or assisting in a paraprofessional capacity;

(ii) Made, maintained, or used only in connection with treatment of the student; and

(iii) Disclosed only to individuals providing the treatment. For the purpose of this definition, "treatment" does not include remedial educational activities or activities that are part of the program of instruction at the college.

(F) Records that only contain information relating to activities in which an individual engaged after he or she is no longer a student at that community college;

(G) Medical or nursing records which are made or maintained separately and solely by a licensed health care professional and which are not used for education purposes or planning.

(4) "Oregon Community College Unified Reporting System (OCCURS)" describes an informal consortium of community colleges, the Office of Community College Services and the Oregon Community College Association, acting together to provide standard data and reporting formats necessary to improve community college programs, evaluate program effectiveness, and report to various governing bodies and agencies. OCCURS staff and committees acting in support of OCCURS are agents of the consortium members for the purposes of OAR 581-41-400 through 581-41-530.

(5) "Party" means an individual, agency, institution, or organization.

(6) "Personally Identifiable Information" includes, but is not limited to:

(a) The student's name;

(b) The name of the student's parent, children, spouse or other family members;

(c) The address of the student or the student's family;

(d) The telephone number of the student or the student's family;

(e) A photograph of the student;

(f) A personal identifier, such as the student's social security number or student number;

(g) A list of personal characteristics that would make the student's identity easily traceable; or

(h) Other information that would make the student's identity easily traceable.

(7) "Record" means any information recorded in any way, including but not limited to handwritten, printed, taped, filmed, microfilmed, microfiched, electronically and/or digitally recorded.

(8) "Student" means any individual who is or has been in attendance at an Oregon community college and regarding whom the college maintains education records.

Stat. Auth.: ORS 341.290(17)
Stats. Implemented: ORS 341.290
Hist.: EB 7-1994, f. & cert. ef. 4-29-94

Policies to be Adopted by a Community College Board of Education

581-41-420 (1) Each community college shall adopt a policy regarding how the college meets the requirements of OAR 581-41-400 through 581-41-530. The policy shall include:

(a) How the agency or institution informs students of their rights, in accordance with these rules;

(b) How a student may inspect and review education records under OAR 581-41-430, including at least:

(A) The procedure the student must follow to inspect and review the records;

(B) With an understanding that it may not deny access to education records, a description of the circumstances in which the agency or institution believes it has a legitimate cause to deny a request for a copy of those records;

(C) A schedule of fees, if any, to be charged for copies; and

(D) A list of the types and locations of education records maintained by the agency or institution, and the titles and addresses of the officials responsible for the records.

(c) How a college notifies students about information requirements, including the use of social security numbers, in relation to the extension of credit in the form of student loans and deferred tuition payments in accordance with OAR 581-41-460(6);

(d) A statement that personally identifiable information will not be released from an education record without the prior consent of the student, except under one or more of the conditions described in OAR 581-41-480;

(e) A statement indicating whether the community college has a policy of disclosing personally identifiable information under OAR 581-41-480, and if so, a specification of the criteria for determining which parties are education officials and what the college considers to be a legitimate educational interest;

(f) A statement that a record of disclosures will be maintained as required by OAR 581-41-530, and that a student may inspect and review that record;

(g) A specification of the types of personally identifiable information the college has designated as directory information;

(h) A statement that the college permits a student to request correction of the student's educational records and to amend that record under OAR 581-41-430, and to obtain a hearing under OAR 581-41-450;

(i) A statement regarding the college's policy on maintaining permanent records on students. Permanent records may, but need not, include the:

(A) Name of college;

(B) Full name of student;

(C) Student birth date;

(D) Date of entry into the college;

(E) Name of school or college previously attended;

(F) Subjects taken;

(G) Assessment of student work in those subjects;

(H) Credits earned;

(I) Date of withdrawal from college;

(J) Social security number, subject to subsection (1)(i) of this rule and OAR 581-41-460; and

(K) Such additional information as the college may prescribe;

(j) A statement that the college will request the social security number of a student and will include the social security number on the permanent student record only if the student agrees to the request, under conditions described in OAR 581-41-460;

(k) A statement that the college provides for the retention of permanent records in a manner secure from accidental destruction or intentional tampering;

(l) A statement that the college maintains records of disclosure of student information in accordance with OAR 581-41-530; and

(m) A statement that upon receipt of a request for the transfer of education records from another school or institution of postsecondary education where the student intends to enroll, the college shall:

(A) Make a reasonable effort to notify the student at the student's last known address, *unless* the disclosure was either initiated by the student or the college has a policy that includes a notice as prescribed under subsection (a) of this section that the college will forward education records without prior notice to another school or institution of postsecondary education where the student intends to enroll; and

(B) Give the student, upon request, a copy of the records as provided under OAR 581-41-430(8) and the opportunity to request a hearing as provided under OAR 581-41-450.

(2) Each community college shall adopt a policy regarding the disclosure of directory information.

(3) A college may disclose directory information if it has given public notice to students in attendance at the college of:

(a) The types of personally identifiable information that the college has designated as directory information;

(b) A student's right to refuse to let the college designate any or all of those types of information about the student as directory information; and

(c) The period of time within which a student has to notify the college in writing that he or she does not want any or all of those types of information about the student designated as directory information.

(4) A college may disclose directory information about former students without meeting the conditions in section (3) of this rule.

(5) The policy shall be adopted by the college's Board of Education, and a copy shall be available on request to students.

Stat. Auth.: ORS 341.290(17)
Stats. Implemented: ORS 341.290
Hist.: EB 7-1994, f. & cert. ef. 4-29-94

Rights of Inspection, Review, and Amendment

581-41-430 (1) Except as limited under section (7) of this rule, each college shall permit a student to inspect and review the education records of that student.

(2) The college shall comply with a request for access to records within a reasonable period of time, but in no case more than 45 days after it has received the request.

(3) The college shall respond to reasonable requests for explanations and interpretations of the records.

(4) If a student so requests, the college shall give the student a copy of the student's education records pursuant to ORS 192.440, except that no copy of test protocols, test questions and answers, and other documents described in ORS 192.501(4) shall be provided unless required by federal law.

(5) The college shall not destroy any education records if there is an outstanding request to inspect and review the records under this section.

(6) While a college is not required to give a student access to treatment records under the definition of "education records" in OAR 581-41-410(3)(b)(D), the student may, at his or her expense, have those records reviewed by a physician or other appropriate professional of the student's choice.

(7) If the education records of a student contain information on more than one student, the student may inspect, review or be informed of only the specific information about that student.

(8) A college does not have to permit a student to inspect and review the following records:

(a) Financial records of the student's parents;

(b) Confidential letters and statements of recommendation if the student has waived his or her right to inspect the letters and statements under the procedure in **34 CFR, Section 99.12(b)(2)**.

(9) If a student believes the education records relating to the student contain information that is inaccurate, misleading, or in violation of the student's rights of privacy or other rights, he or she may ask the college to amend the record.

(10) The college shall decide whether to amend the record as requested within a reasonable time after the college receives the request.

(11) If the college decides not to amend the record as requested, it shall inform the student of its decision and of his or her right to a hearing under OAR 581-41-450.

[**Publications:** The publication(s) referred to or incorporated by reference in this rule are available from the Department of Education.]

Stat. Auth.: ORS 192.440, 192.501(4) & 341.290(17)
Stats. Implemented: ORS 341.290
Hist.: EB 7-1994, f. & cert. ef. 4-29-94

Fees for Copies of Education Records

581-41-440 (1) Educational records are public records under ORS 192.410 through 192.505 for purposes of charging fees.

(2) Unless the imposition of a fee effectively prevents a student from exercising the right to inspect and review the student's education records, a college may charge a fee for a copy of an educational record which is made for the student subject to section (3) of this rule.

(3) Notwithstanding ORS 192.440(3), a college may not charge the student a fee to search for or to retrieve the education records of the student. Such fees may be charged to persons who are not students, including persons seeking education records pursuant to a subpoena.

Stat. Auth.: ORS 192.410 - 192.505, & 341.290(17)
Stats. Implemented: ORS 341.290
Hist.: EB 7-1994, f. & cert. ef. 4-29-94

Right to a Hearing to Challenge Content and Conduct of a Hearing

581-41-450 (1) A college shall give a student, on request, an opportunity for a hearing to challenge the content of the student's education records on the grounds that the information contained in the education records is inaccurate, misleading, or in violation of the privacy or other rights of the student.

(2) If, as a result of the hearing, the college decides that the information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, it shall:

(a) Amend the record accordingly; and

(b) Inform the student of the amendment in writing.

(3) If, as a result of the hearing, the college decides that the information in the education record is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, it shall inform the student of the right to place a statement in the hearing record commenting on the contested information in the record or stating why he or she disagrees with the decision of the college, or both.

(4) If a college places a statement in the record of the hearing under section (3) of this rule, the college shall:

(a) Maintain the statement with the contested part of the record for as long as the record is maintained; and

(b) Disclose the statement whenever it discloses the portion of the record to which the statement relates;

(c) Electronic student records shall be flagged to indicate a contested case hearing record exists.

(5) The hearing required by section (1) of this rule must meet at a minimum the following requirements:

(a) The college shall hold the hearing within a reasonable time after it has received the request for the hearing from the student;

(b) The college shall give the student notice of the date, time, and place reasonably in advance of the hearing;

(c) The hearing may be conducted by any individual, including an official of the college, who does not have a direct interest in the outcome of the hearing;

(d) The college shall give the student a full and fair opportunity to present evidence relevant to the issues raised under this rule. The student may, at his or her own expense, be assisted or represented by one or more individuals of his or her own choice, including an attorney;

(e) The college shall make its decision in writing within a reasonable period of time after the hearing;

(f) The decision must be based solely on the evidence presented at the hearing, and must include a summary of the evidence and the reasons for the decision.

Stat. Auth.: ORS 341.290(17)
Stats. Implemented: ORS 341.290
Hist.: EB 7-1994, f. & cert. ef. 4-29-94

Student Release of Social Security Numbers

581-41-460 (1) Community colleges are required to request that students release their social security numbers for the purposes of record-keeping and research. The request made to the student shall notify the student that:

(a) Release of the social security number is voluntary;

(b) Request for release is made under the authority of ORS 341.290(17); and

(c) Specific uses will be made of the social security number. Those specific uses must be described in the notification.

(2) The request to a student to release his or her social security number shall conform to forms and/or procedures developed and published by the State Board of Education. Any alteration by a college in the wording or procedure must be approved by the Commissioner for Community

College Services or designee under the authority of the State Board of Education. The State Board of Education may revise the wording only with a minimum of 90 days' notice to the colleges and only with the input of the colleges.

(3) If a college determines that it needs to use the social security number for a purpose other than those described on the disclosure form, the college may add that use its disclosure form. The additional wording must be approved by the Commissioner or designee before it is added to the disclosure statement.

(4) Under no circumstances may a college require a student to release his or her social security number unless release is specifically mandated by federal law (as in federal financial aid law and payroll requirements).

(5) A college may not deny any student any right, benefit or privilege provided by law because of the student's refusal to disclose his or her social security account number. However, this provision does not apply with respect to any disclosure which is mandated by federal law.

(6) If a student refuses to release his or her social security number, the college may assign an alternative student identification number. Such a number is personally identifiable information as defined in OAR 581-41-410(7) and is governed by disclosure requirements set forth in OAR 581-41-470.

(7) A college that extends credit in the form of student loans or deferred tuition payments may request that the student voluntarily provide his or her social security number through a disclosure form separate from the form described in section (2) of this rule. Any such form shall be approved by the Commissioner or designee prior to implementation.

Stat. Auth.: ORS 341.290(17), Privacy Act of 1974 & Family Educational Rights and Privacy Act
Stats. Implemented: ORS 341.290
Hist.: EB 7-1994, f. & cert. ef. 4-29-94

Prior Consent to Disclose Information

581-41-470 (1) The student shall provide written consent before a college discloses personally identifiable information from the student's education records, except as provided in OAR 581-41-480, and in accordance with the college's policy adopted under OAR 581-41-420(1)(d).

(2) The consent must:

(a) Specify the records that may be disclosed;

(b) State the purpose of the disclosure; and

(c) Identify the party or class of parties to whom the disclosure may be made.

(3) When a disclosure is made under section (1) of this rule, if the student so requests, the college shall provide him or her with a copy of the records disclosed. "Records disclosed" may consist of a list of data elements included in OCCURS records.

(4) A record of consent shall be maintained for as long as the individual's records are maintained.

Stat. Auth.: ORS 341.290(17)
Stats. Implemented: ORS 341.290
Hist.: EB 7-1994, f. & cert. ef. 4-29-94

Exceptions to Prior Consent Requirement

581-41-480 A college may disclose personally identifiable information from an education record of a student without the consent required by OAR 581-41-470 if the disclosure meets one or more of the following conditions:

(1) The disclosure is to other school officials, including teachers, athletic directors, coaches and counselors within the college who have legitimate educational interests in the records.

(2) The disclosure is, subject to the requirements of OAR 581-41-420(1)(m), to officials of another school, school system or institution of postsecondary education where the student seeks or intends to enroll.

(3)(a) The disclosure is for the purposes of an audit or evaluation of federal or state supported education programs, or for the enforcement of or compliance with federal or state legal requirements which relate to those programs, and is to authorized representatives of:

(A) The Comptroller General of the United States;

(B) The Secretary of the United States Department of Education; or

(C) State or local educational authorities.

(b) Information that is collected under subsection (a) of this section must:

(A) Be protected in a manner that does not permit personal identification of individuals by anyone except the officials referred to in subsection (a) of this section; and

(B) Be destroyed when no longer needed for the purposes listed in subsection (a) of this section.

(c) Subsection (b) of this section does not apply if:

(A) The student has given written consent for the disclosure under OAR 581-41-470; or

(B) The collection of personally identifiable information is specifically authorized by federal law.

(4) The disclosure is in connection with financial aid for which the student has applied or which the student has received, if the information is necessary for such purposes as to:

(a) Determine eligibility for the aid;

(b) Determine the amount of the aid;

(c) Determine the conditions for the aid; or

(d) Enforce the terms and conditions of the aid;

(e) As used in this section, "financial aid" means a payment of funds provided to an individual (or a payment in kind of tangible or intangible property to the individual) that is conditioned on the individual's attendance at an education agency or institution;

(f) If the student refuses to consent to disclosure of personally identifiable information and/or his/her social security number, but releases the social security number as a condition of receiving financial aid, the college shall mask the social security number to ensure it is used only for purposes allowed under federal financial aid law.

(5)(a) The disclosure is to organizations conducting studies for, or on behalf of, educational agencies or institutions to:

(A) Develop, validate, or administer predictive tests;

(B) Administer student aid programs; or

(C) Improve instruction.

(b) The agency or institution may disclose information under this section only if:

(A) The study is conducted in a manner that does not permit personal identification of parents and students by individuals other than representatives of the organization; and

(B) The information is destroyed when no longer needed for the purposes for which the study was conducted.

(c) For the purposes of this section, the term "organization" includes, but is not limited to, federal, state, and local agencies, and independent organizations.

(6) The disclosure is to accrediting organizations to carry out their accrediting functions.

(7) The disclosure is to parents of a dependent student as defined in **Section 152** of the **Internal Revenue Code**.

(8) The disclosure is to comply with a judicial order or lawfully issued subpoena. The educational agency or institution may disclose information under this section only if the agency or institution makes a reasonable effort to notify the student of the order or subpoena in advance of compliance.

(9) The disclosure is to law enforcement, child protective services, and health care professionals, and other appropriate parties in connection with a health and safety emergency if knowledge of the information is necessary to protect the health and safety of the student or other individuals.

(10) The disclosure is information the educational agency or institution has designated as "directory information", under the conditions described in OAR 581-41-410(1) and 581-41-420(2) to (5).

[**Publications:** The publication(s) referred to or incorporated by reference in this rule are available from the Department of Education.]

Stat. Auth.: ORS 341.290(17)
Stats. Implemented: ORS 341.290
Hist.: EB 7-1994, f. & cert. ef. 4-29-94

Penalties for Misuse

581-41-490 Any officer or employee of OCCURS or of the Office of Community College Services or of any other state agency who has access to personally identifiable student records maintained and/or provided by a community college who, without proper authority, shall disclose such information may be disqualified from holding any appointment or employment with the State of Oregon, in accordance with Section 19(4) of ORS 329.965.

Stat. Auth.: ORS 329.965(4)
Stats. Implemented: ORS 341.290
Hist.: EB 7-1994, f. & cert. ef. 4-29-94

Redisclosing Information

581-41-500 (1) Any party who receives student records containing personally identifiable information from a community college or colleges may disclose that information to a third party only if the student has been notified of the redisclosure and its purpose in the original disclosure notice and has consented, unless redisclosure falls under the exceptions described in OAR 581-41-480.

(2) Social security numbers disclosed to the Shared Information System must be encoded either by the originating college or by OCCURS, as required in ORS 329.965.

(3) Community colleges, OCCURS, or other parties may share and publish aggregate data which do not identify any individual student, without meeting the consent requirements of section (1) of this rule.

Stat. Auth.: ORS 341.290(17), 329.965, 20 U.S.C. Sec. 1232g (b)(5) & 34 CFR Sec. 99.32(a)
Stats. Implemented: ORS 341.290
Hist.: EB 7-1994, f. & cert. ef. 4-29-94

Filing a Federal Complaint

581-41-510 (1) A person may file a written complaint with the Family Policy Compliance Office, United States Department of Education, regarding an alleged violation under the Family Educational Rights and Privacy Act. The Office's address is: Family Policy and Compliance Office, U.S. Department of Education, Washington, D.C. 20202.

(2) A timely complaint under section (1) of this rule is defined as an allegation of a violation of the Family Educational Rights and Privacy Act that is submitted to the Family Policy Compliance Office within 180 days of the date of the alleged violation or of the date that the complainant knew or reasonably should have known of the alleged violation.

(3) The Family Policy Compliance Office extends the time limit in section (2) of this rule if the complainant shows that he or she was prevented by circumstances beyond the complainant's control from submitting the matter within the time limit, or for other reasons considered sufficient by the Family Policy Compliance Office.

Stat. Auth.: ORS 341.290(17) & 34 CFR Sec. 99 et seq.
Stats. Implemented: ORS 341.290
Hist.: EB 7-1994, f. & cert. ef. 4-29-94

Civil Action

581-41-520 Any person claiming to be aggrieved by the reckless disclosure of personally identifiable information from a student's education records, as prohibited by OAR 581-41-400 through 581-41-490, may file a civil action in circuit court pursuant to ORS 341.290(17).

Stat. Auth.: ORS 341.290(17)
Stats. Implemented: ORS 341.290
Hist.: EB 7-1994, f. & cert. ef. 4-29-94

Recordkeeping Requirements

581-41-530 (1) A college shall maintain a record of each request for access to and each disclosure of personally identifiable information from the education records of each student:

(a) The college shall maintain the record with the education records of the student as long as the records are maintained;

(b) For each request or disclosure the record must include:

(A) The parties who have requested or received personally identifiable information from the education records; and

(B) The legitimate interests the parties had in requesting or obtaining the information;

(C) Colleges which maintain electronic records may flag those records to refer to disclosure information which applies to all students;

(D) For purpose of ongoing submission of records to OCCURS, a single record or electronic flag referring to OCCURS policy on data elements collected and transmitted shall constitute appropriate recordkeeping.

(2) If a college discloses personally identifiable information from an education record with the understanding authorized under section (1) of this rule, the record of disclosure required under this section must include:

(a) The names of the additional parties to which the receiving party may disclose the information on behalf of the college; and

(b) The legitimate interests under OAR 581-41-480 which each of the additional parties has in requesting or obtaining the information.

(3) A college is not required to keep records of disclosures when the disclosure is to:

(a) The student who is the subject of the record;

(b) A college official with a legitimate educational reason under OAR 581-41-480(1);

(c) A party with written consent from the student; or

(d) A party seeking directory information.

Stat. Auth.: ORS 341.290(17), 20 U.S.C. Sec 1232g(b)(5) & 34 CFR Sec. 9932(a)
Stats. Implemented: ORS 341.290
Hist.: EB 7-1994, f. & cert. ef. 4-29-94

DIVISION 42

COMMUNITY COLLEGE COURSE ELIGIBILITY

[**ED. NOTE:** The following Administrative Orders relating to Community College Course Eligibility were previously adopted by the Department of Education: 1EB 118, filed 11-28-67; and 1EB 78, filed 3-13-62.]

581-42-005 [Renumbered to 581-43-000 and 581-43-650]

581-42-010 [Renumbered to 581-43-000]

581-42-015 [Renumbered to 581-43-000]

581-42-020 [Renumbered to 581-43-275]

581-42-025 [Renumbered to 581-43-275]

581-42-030 [Renumbered to 581-43-275]

581-42-035 [Renumbered to 581-43-275]

581-42-040 [Renumbered to 581-43-290]

581-42-045 [Renumbered to 581-43-290]

581-42-050 [Renumbered to 581-43-290]

581-42-055 [Renumbered to 581-43-290]

581-42-060 [Renumbered to 581-43-290]

581-42-065 [Renumbered to 581-43-300]

581-42-070 [Renumbered to 581-43-300]

581-42-075 [Renumbered to 581-43-300]

Other Education Curriculum Approval Procedures

581-42-080 [1EB 132, f. 5-19-72, ef. 6-1-72; 1EB 166, f. 2-20-74, ef. 3-11-74; Repealed by EB 13-1991, f. & cert. ef. 7-19-91]

581-42-085 [Renumbered to 581-43-300]

581-42-088 [Renumbered to 581-43-510]

581-42-090 [Renumbered to 581-43-400]

581-42-095 [Renumbered to 581-43-400]

581-42-100 [Renumbered to 581-43-400]

581-42-105 [Renumbered to 581-43-400]

581-42-110 [Renumbered to 581-43-400]

581-42-115 [Renumbered to 581-43-400]

581-42-120 [Renumbered to 581-43-400]

581-42-125 [Renumbered to 581-43-400]

581-42-130 [Renumbered to 581-43-400]

581-42-135 [Renumbered to 581-43-400]

581-42-140 [Renumbered to 581-43-400]

581-42-145 [Renumbered to 581-43-400]

Formation of a Community College District and Annexation to an Existing District

581-42-150 (1) The petition submitted to the Oregon State Board of Education pursuant to ORS 341.025 for approval of the formation of a community college district shall include the following:

(a) Total population within the proposed community college district;

(b) True cash and assessed valuation of the proposed community college district and property tax rates in effect in the proposed college district;

(c) High school enrollment within the proposed community college district;

(d) Maps showing the location of high schools within the proposed community college district;

(e) Employment trends in the proposed community college district.

(2) The number of required signatures for each county or parts of counties shall be proportionate to the qualified voters of the entire community college district.

(3) In addition to the criteria set forth under ORS 341.045, and in keeping with its responsibilities outlined under ORS 341.055 and 341.065, the State Board will determine whether the formation of a community college district is warranted.

(4) In considering whether residents of an area will materially benefit from inclusion in a community college district, as described in ORS 341.055, the State Board shall consider:

(a) The number of potential students living within 50 miles of the location of the proposed community college;

(b) The extent of property which lies within commuting distance of day-school programs where classrooms, laboratories, shops and other centralized facilities are to be located;

(c) Other indications that a community of interest exists that connects the area to the proposed community college district.

Stat. Auth.: ORS Ch. 341
Stats. Implemented: ORS 341.025 thru 341.185
Hist.: 1 EB 131, f. 5-19-72, ef. 6-1-72; EB 13-1991, f. & cert. ef. 7-19-91; Renumbered from 581-41-005, 581-41-010 & 581-41-015

Formation and Definition of a Community College Service District

581-42-200 (1) For the purposes of this rule, "community college service district" is defined as a district which is governed by the laws applicable to community college districts but which:

(a) May not incur bonded indebtedness for any purpose; and

(b) Must undergo an annual review by its board to determine which district services can most effectively and economically be delivered directly and which services can best be delivered through contracting arrangements.

(2) A petition for the formation of a community college service district shall contain essentially the

same information required for formation of a community college district set forth in OAR 581-42-150.

(3) In addition to the criteria set forth under ORS 341.037 and 341.045, and in keeping with its responsibilities outlined under ORS 341.055 and 341.065, the State Board shall use the following criteria in determining whether the formation of a community college service district is warranted:

(a) The community college-type education services needed for the petitioning area can best be served by a community college service district which contracts for instructional services;

(b) A community college service district can more effectively provide the needed educational services than other existing districts.

Stat. Auth.: ORS Ch. 341
Stats. Implemented: ORS 341.039
Hist.: 1EB 178, f. 10-18-74, ef. 11-11-74; EB 22-1989(Temp), f. & cert. ef. 6-12-89; EB 13-1991, f. & cert. ef. 7-19-91; Renumbered from 581-43-220 & 581-43-230

[**ED. NOTE:** The text of Temporary Rules is not printed in the Oregon Administrative Rules Compilation. Copies may be obtained from the Secretary of State.]

Boundary Changes

581-42-300 (1) The State Board of Education is declared to be the boundary board for community college districts.

(2) Petitions for community college boundary changes shall contain the following information:

(a) A statement describing and map of the boundary change requested;

(b) A full and complete description of the area proposed to be included within or excluded from the community college district. The area description may be by counties, cities, school districts, metes and bounds, or by any combination of these methods;

(c) A statement whether or not an area proposed to be included is within the boundaries of another community college district;

(d) A maximum of three persons as chief petitioners setting forth their names and mailing addresses;

(e) Verification on the face of each sheet of the petition by the affidavit of the person who circulated the sheet, stating that every person who signed the sheet did so in his or her presence and that he or she believes that each signer stated his or her correct residence address and is a registered elector.

(3) The State Board may, at its discretion, reject the petitions if any of the conditions in subsections (2)(a) through (e) of this rule are not met.

(4) The State Board may, at its discretion, request the county clerk to verify all or a sampling of the names appearing on the petition. The State Board shall pay to the county clerk any appropriate charges for such verification. The State Board may at its discretion reject the petitions if a sufficient sampling of the names are not verifiable by the county clerk because the names on the petitions cannot be read or if a sampling indicates that sufficient signers are not registered electors.

(5) Petitions for community college boundary changes shall be substantially in the following form. (See Exhibit 1.)

(6) The minimum number of signatures required on a petition to change the boundary of a community college district shall be at least 10 percent of the qualified electors of the area seeking to be changed, or at least 500 signatures of qualified electors of the area seeking to be changed, whichever is less.

(7) Where all or part of two or more counties is in the area to be changed, the number of signatures from each of such counties shall be proportionate to the relative populations of the counties or parts thereof within the area proposed to be changed.

(8) Petitions must be delivered to the Office of Community College Services in the original. Faxed copies shall not be accepted.

(9) Following submission of a petition and its acceptance by the Board, the Board shall hold a public hearing in accordance with the Administrative Procedures Act and issue an order as described in ORS 341.565.

Stat. Auth.: ORS 341.565
Stats. Implemented: ORS 341.565
Hist.: 1 EB 131, f. 5-19-72, ef. 6-1-72; 1 EB 139, f. 10-5-72, ef. 10-15-72; 1 EB 140, f. 10-5-72, ef. 10-15-72; EB 13-1991, f. & cert. ef. 7-19-91; Renumbered from 581-41-025 & 581-41-030; EB 30-1995, f. & cert. ef. 12-21-95

Remonstrance Petitions

581-42-310 (1) A petition submitted in remonstrance to the annexation of territory to a community college district under 341.569 shall be submitted no later than 20 days from the date and hour of adjournment of the last public hearing held on the question of annexation pursuant to ORS 341.565(3).

(2) Remonstrance petitions shall meet the following requirements:

(a) A maximum of three persons as chief petitioners shall provide their names and mailing addresses on the face of the petition;

(b) Each petition shall be verified on the face of each sheet by the affidavit of the person who circulated the sheet, stating that every person who signed the sheet did so in his or her presence and that he or she believes that each signer stated his or her correct residence address and is a registered elector.

(3) The State Board may, at its discretion, reject the petitions if any of the conditions in subsections (2)(a) and (b) of this rule are not met.

(4) The State Board may, at its discretion, request the county clerk to verify all or a sampling of the names appearing on the petition. The State Board shall pay to the county clerk any appropriate charges for such verification. The State Board may at its discretion reject the petitions if a sufficient sampling of the names are not verifiable by the county clerk because the names on the petitions cannot be read or if a sampling indicates that sufficient signers are not registered electors.

(5) Petitions in remonstrance to a community college boundary changes shall be substantially in the following form. (See Exhibit 2.)

(6) The minimum number of signatures required on a petition in remonstrance to a change in the boundary of a community college district shall be at least 5 percent of the qualified electors of the area seeking to be changed, or at least 500 signatures of qualified electors of the area seeking

to be changed, whichever is less.

(7) Where all or part of two or more counties is in the area to be changed, the number of signatures from each of such counties shall be proportionate to the relative populations of the counties or parts thereof within the area proposed to be changed.

(8) Petitions must be delivered to the Office of Community College Services in the original by the deadline described in section (1) of this rule. Faxed copies shall not be accepted.

Stat. Auth.: ORS 341.569
Stats. Implemented: ORS 341.569
Hist.: EB 31-1995, f. & cert. ef. 12-21-95; EB 9-1996, f. & cert. ef. 5-24-96

Elections on the Question of Annexation

581-42-320 If an election on the question of annexation is to be held as required by statute,

(1) The State Board of Education, as designated boundary board, is required to file the ballot title with the appropriate elections official.

(2) The ballot title is to be filed with the elections official in the county in which the host community college resides. That county official shall certify the election in the appropriate county or counties, whether or not an election is required in the host districtÕs county.

(3) The State Board of Education, as designated boundary board, is responsible for filing the documentation described in ORS 308.225 with the county assessor and with the Department of Revenue and for meeting the necessary timelines.

(4) Unless otherwise directed by statute, the annexing community college district is responsible for the costs of any election on the question of annexation.

Stat. Auth.: ORS 341.569
Stats. Implemented: ORS 341.569
Hist.: EB 32-1995, f. & cert. ef. 12-21-95

Access by Unserved Areas to Community College Services; and Procedures for Contracted Out-of-District Areas

581-42-400 (1) For the purposes of this rule:

(a) "Nondistrict area" is defined as any geographic area of the state not within a community college district;

(b) "Nondistrict student tuition" means tuition paid by residents of the nondistrict area;

(c) "Other nondistrict resources" means gifts, contributions, or grants from individuals, groups, organizations, businesses or industries. It may include financial support from school districts, education service districts, municipalities, counties or another public agency or private organization.

(2) Nothing in this rule is intended to refer to programs provided through contracts between community colleges and state correctional facilities. Those contracts are addressed in OAR 581-42-500.

(3) Nothing in this rule is intended to refer to programs provided specifically for apprentices, including apprenticeship services as authorized in ORS 660.157(3). Those programs are addressed in OAR 581-43-400.

(4) The Office shall determine that sufficient interest exists in a nondistrict area for the formation of a local advisory committee to analyze and advocate community college services when it receives a petition signed by a minimum of 100 persons, or by five percent of the electors registered in each county or part of a county within the designated service area, whichever is less. The Office may ask the county clerk to verify valid petition signatures:

(a) The Office shall furnish the petition form and provide advice to the chief petitioner;

(b) In the event that more than one person seeks chief petitioner status, the Office shall select the party which, in its judgment, can best represent the diverse interests within the nondistrict area.

(5) Upon receipt of the petition, the Office and the chief petitioner shall jointly apply to the county governing body for the appointment of a seven-member local advisory committee. The application shall include the names of at least ten nominees agreed to by the Office and the chief petitioner along with brief statements as to the reasons they seek appointment.

(6) The county officials shall select from the list of nominees and appoint the initial membership to represent broadly the area served, under the following conditions:

(a) Initial terms shall be three for three-year terms, two for two-year terms, and two for one-year terms;

(b) Subsequent appointments shall be for three-year terms;

(c) The Office shall designate a chair for the first two meetings of the advisory committee;

(d) The committee will elect its own chair during its second meeting;

(e) Vacancies will be filled by the governing body of the county from a list of nominees submitted by the Office and the remaining membership of the advisory committee;

(f) Members missing more than two consecutive meetings without cause may be replaced. Removal of a member for reasons of unexplained absence shall be by majority vote of the local advisory committee.

(7) In the case of two or more counties, the size of the advisory committee shall be increased by two additional members for each county joined:

(a) Initial terms of office for the additional members shall be one for a three-year term, and one for a two-year term for each county joined;

(b) Subsequent appointments shall be for three-year terms;

(c) Representation shall be proportional to the population of each nondistrict area.

(8) The advisory committee shall:

(a) Examine the educational needs of the residents;

(b) Identify financial and human resources necessary to meet the educational needs;

(c) Identify entities willing to contract with the community college provider;

(d) Promote the community college services desired;

(e) Periodically consult with the designated staff of the contracting community college and the Office regarding services requested and provided; and

(f) Submit biennial evaluation reports to the county governing board, the Office, and the contracting community college. The Office may, at its discretion, require more frequent evaluation reports.

(9) Community college and community college service districts may submit proposals to the Office, as service providers:

(a) The proposal shall address information sent by the Office to the colleges describing the boundaries of the nondistrict, the population base, and the services requested;

(b) The college district shall define the elements of its proposed contract including orientation, inservice, materials, recommended tuition and fees, registration and reporting procedures, transcription, advising, timelines, supervision, and budget;

(c) The Office shall select that college which, in its judgment, can best deliver the services requested:

(A) The Office shall make its judgment after considering geographic factors, prior service history, and local advisory committee preference;

(B) The community college or community college service district selected to be the contractor shall enter an agreement with the contracting entity;

(C) The agreement is subject to the approval of the State Board or its designee.

(10) The contract between the community college and the local contracting entity must include a budget for services to be offered in the nondistrict area:

(a) The budget must be wholly supported by state funds, nondistrict student tuition, and other nondistrict resources;

(b) While the budget may contain some in-kind contribution from the nondistrict area, a cash contribution, exclusive of tuition, is required.

(11) State reimbursement of costs incurred in providing services subject to the contract will be made based on the formula described in OAR 581-41-200. Contracts shall not imply any requirement on the part of the state for reimbursement beyond the amounts appropriated for such purposes or beyond the biennial period covered by any such appropriation.

(12) Nondistrict areas operating under contract to a community college district will be eligible for federal Adult Basic Education funds based on the distribution method described in the State Plan for Adult Education and adopted by the State Board.

(13) The cost of education (tuition and fees) to residents of the nondistrict shall be sufficiently low to enable students of low and middle income to attend.

(14) The local financial effort shall be in cash:

(a) The contracting entities may exercise the option of increasing local effort in order to reduce tuition costs to students;

(b) The minimum cash contribution that will be required in the budget shall be determined in the following manner:

(A) For the initial contract year, not less than ten percent of the budgeted expenditures must be supported by a cash contribution;

(B) For the second contract year not less than 15 percent of the budgeted expenditures must be supported by a cash contribution;

(C) For the third contract year, and all subsequent years, not less than 20 percent of the budgeted expenditures must be supported by a cash contribution.

(c) Upon request from the college providing the contracted services, the Commissioner may recommend to the State Board of Education a waiver or renegotiation of all or a portion of the matching requirement;

(d) A nondistrict area that contracts for not more than 12 FTE annually shall be subject to a separate cash contribution standard:

(A) Such areas may enter into contracts that provide for no cash contribution for the first three years of service;

(B) For the fourth, and all subsequent years, the cash contribution shall be ten percent of the budgeted expenditures.

(e) Cash may be from any source except that which is prohibited by rule or regulation.

(15) Review and approval:

(a) Contracts may be for one or two years and are renewable. Two-year contracts are subject to annual budget review and possible adjustment by the Office. The Office can choose to entertain bids from other potential contractors in the course of this review;

(b) Contracts will be submitted to the Office by July 1 of the contract year. The Office will determine that the contracting entity has met the cash requirement, that state-approved courses are offered, and that the district providing services provides adequate supervision of the contract;

(c) The Office will evaluate contracted out-of-district services biennially and submit a report to the State Board by May of even-numbered years. The evaluation will include number of individuals served, types of instructional services offered, extent to which the interest and needs of each area have been met, financial effort of each area, and projected service in the next biennium.

Stat. Auth.: ORS 341.019, 341.021, 341.022, 341.023 & 341.024
Stats. Implemented: ORS 341.019
Hist.: 1EB 178, f. 10-18-74, ef. 11-11-74; 1EB 205, f. 8-20-75, ef. 9-11-75; 1EB 15-1985, f. 7-3-85, ef. 7-5-85; 1EB 178, f. 10-18-74, ef. 11-11-74; EB 21-1987(Temp), f. & ef. 10-7-87; EB 16-1988, f. & cert. ef. 3-15-88; EB 17-1988, f. & cert. ef. 3-15-88; EB 13-1991, f. & cert. ef. 7-19-91; Renumbered from 581-43-240 & 581-43-250; EB 14-1992, f. & cert. ef. 5-13-92

[**ED. NOTE:** The text of Temporary Rules is not printed in the Oregon Administrative Rules Compilation. Copies may be obtained from the adopting agency or the Secretary of State.]

Community College Services for Inmates of State Penitentiary and Correctional Institutions

581-42-500 (1) Community colleges and the Office may contract with the Oregon Department of Corrections (Department) for instructional services to inmates of any Department-operated correctional facilities.

(2) Any contract between the Office and the Department (State Contract) may include agreement relating to all statewide staff training and development, program transferability between correctional institutions, facilities and curriculum planning, instructional support, evaluation and assessment, capital investment, instruction of the persons with disabilities, employee relations, the range of administrative allowances, and financial aid policies.

(3) Contracts between a provider community

college and an individual correctional institution (Local Contracts) will include agreement relating to specific administrative allowances, financial aid administration, program mix, staffing and budget:

(a) Each contract will indicate as its primary objective a functional literacy program; and as its secondary objective professional and technical education which provides entry-level, marketable skills;

(b) State reimbursement of costs incurred in providing services subject to the Local Contracts will be made based on the formula described in OAR 581-41-200. Contracts shall not imply any requirement on the part of the state for reimbursement beyond the amounts appropriated for such purposes or beyond the biennial period covered by any such appropriation;

(c) Local contracts will be eligible for federal Adult Basic Education funds based on the distribution method described in the State Plan for Adult Education and adopted by the State Board.

(4) All local contracts are subject to prior approval by the Office and must be submitted prior to August 1.

(5) The Office will advise the Department and colleges annually of adjustments in the allocation of funds appropriated for services in correctional institutions.

(6) The Office will evaluate the contracts with the Department biennially and submit a report to the State Board by May of even-numbered years. The evaluation will include the number of individuals served, types of instructional services offered, extent to which the interest and needs of inmates have been met, financial effort, and projected service in the next biennium.

Stat. Auth.: ORS Ch. 341
Stats. Implemented: ORS 341.317
Hist.: EB 27-1987, f. & ef. 11-17-87; EB 13-1991, f. & cert. ef. 7-19-91; Renumbered from 581-43-251

Exhibit 1
(581-42-300)

Boundary Changes
OREGON STATE BOARD OF EDUCATION

In the matter of petition for (Brief description of boundary change requested)	)))	Petition for Boundary Change

We the undersigned qualified electors of ___________ (description of the area to be changed) hereby request _______________ (change requested). (A statement whether the area to be changed is within the boundaries of another community college district must be included.)

(1)	______________ Printed name	______________ Address	______________ Signature
(2)	______________ Printed name	______________ Address	______________ Signature
(3)	______________ Printed name	______________ Address	______________ Signature

(Not more than 20 signatures to each page)

I hereby verify that every person who signed this sheet did so in my presence and that I believe that each signer stated his or her correct residence address and is a registered elector.

(Name of person circulating petition)

Subscribed and sworn before me

(Month)______________ (Day)____________, (Year) ____________

______________________________ ____________________
(Notary Public for Oregon) My commission expires

Exhibit 2
(581-42-310)

Remonstrance to Boundary Changes
OREGON STATE BOARD OF EDUCATION

In the matter of petition for remonstrance	)	Petition in Remonstrance
(Brief description of boundary change	)	of Boundary Change
requested)	)	

We the undersigned qualified electors of ___________ (description of the area to be changed) hereby disagree with _______________ (change requested).

(1)	____________________ Printed name	____________________ Address	____________________ Signature
(2)	____________________ Printed name	____________________ Address	____________________ Signature
(3)	____________________ Printed name	____________________ Address	____________________ Signature

(Not more than 20 signatures to each page)

I hereby verify that every person who signed this sheet did so in my presence and that I believe that each signer stated his or her correct residence address and is a registered elector.

(Name of person circulating petition)

Subscribed and sworn before me

(Month)___________ (Day)___________, (Year) _______________

_______________________________ _______________

(Notary Public for Oregon) My commission expires

DIVISION 43

COMMUNITY COLLEGE INSTRUCTOR STANDARDS

General Course and Program Approval Authority

581-43-000 (1) The State Board or a representative of the Office authorized to act for the State Board has responsibility for approval of community college course and curriculum offerings including additions, deletions, or changes. State funds are available to support approved vocational and technical education, lower-division collegiate, and other education courses.

(2) The State Board authorizes community college district boards of education, established under ORS 341.005 - 341.950, to issue certificates and associate degrees as an indication of satisfactory completion of courses of study offered by the community colleges. Requests for approval of new associate degrees, certificates, and courses must be submitted for approval to the State Board through the Office.

(3) Associate degree requirements shall be approved by the community college board and be included in the institution catalog. At a minimum, associate degrees shall require:

(a) Ninety total term units;

(b) A recognizable core of general education courses; and

(c) An established standard of academic achievement.

(4) Primary responsibility for obtaining and maintaining required course and curriculum approvals rests with the local community college. Approvals will normally continue in effect until the course or curriculum involved is revised, eliminated from the college's program, or disqualified because it no longer meets approval criteria.

(5) All courses shall generally conform to all published descriptions in the community college's catalog or supplement thereto.

(6) If a course is a part of an established certificate or degree curriculum, that curriculum shall conform to published descriptions in the college's catalog or supplement thereto.

(7) Options within a curriculum constitute a part of the total curriculum; therefore, a revised curriculum must be approved before other options are added.

(8) The form of degree or certificate or recognition to be given for completion of a course or curriculum shall be clearly stated in the community college's catalog or supplement thereto.

(9) Curriculum and course prerequisites shall be clearly stated in the community college's catalog or supplement thereto.

Stat. Auth.: ORS Ch. 326, 341, 342, 659 & 660
Stats. Implemented: ORS 341.425
Hist.: 1EB 132, f. 5-19-72, ef. 6-1-72; 1EB 166, f. 2-20-74, ef. 3-11-74; 1EB 263, f. & ef. 7-5-77; 1EB 9-1983, f. & ef. 10-13-83; EB 14-1991, f. & cert. ef. 7-19-91; Renumbered from 581-42-005, 581-42-010 & 581-42-015

581-43-005 [Renumbered to 581-43-700]

581-43-010 [Renumbered to 581-43-700]

581-43-015 [Renumbered to 581-43-700]

581-43-020 [Renumbered to 581-43-700]

581-43-025 [Renumbered to 581-43-700]

581-43-030 [Renumbered to 581-43-700]

581-43-035 [Renumbered to 581-43-700]

Vocational-Technical Instructor Approval

581-43-040 [1EB 118, f. 11-28-67, ef. 12-25-67;
1EB 131, f. 5-19-72, ef. 6-1-72;
Repealed by 1EB 1-1978,
f. & ef. 1-20-78]

Minimum Standards of Vocational Technical Instructor

581-43-045 [1EB 118, f. 11-28-67, ef. 12-25-67;
1EB 131, f. 5-19-72, ef. 6-1-72;
Repealed by 1EB 1-1978,
f. & ef. 1-20-78]

Procedures for Vocational-Technical Instructor Approval

581-43-050 [1EB 118, f. 11-28-67, ef. 12-25-67;
1EB 131, f. 5-19-72, ef. 6-1-72;
Repealed by 1EB 1-1978,
f. & ef. 1-20-78]

Effective Period of Instructor Approval

581-43-055 [1EB 118, f. 11-28-67, ef. 12-25-67;
1EB 131, f. 5-19-72, ef. 6-1-72;
Repealed by 1EB 1-1978,
f. & ef. 1-20-78]

Withdrawal of Approval

581-43-060 [1EB 118, f. 11-28-67, ef. 12-25-67;
1EB 131, f. 5-19-72, ef. 6-1-72;
Repealed by 1EB 1-1978,
f. & ef. 1-20-78]

Other Education Instructor Approval

581-43-065 [1EB 118, f. 11-28-67, ef. 12-25-67;
1EB 131, f. 5-19-72, ef. 6-1-72;
Repealed by 1EB 1-1978,
f. & ef. 1-20-78]

Minimum Standards for Other Education Instructors

581-43-070 [1EB 118, f. 11-28-67, ef. 12-25-67;
1EB 131, f. 5-19-72, ef. 6-1-72;
Repealed by 1EB 1-1978,
f. & ef. 1-20-78]

Other Education Instructor Approval Procedure

581-43-080 [1EB 118, f. 11-28-67, ef. 12-25-67;
1EB 131, f. 5-19-72, ef. 6-1-72;
Repealed by 1EB 1-1978,
f. & ef. 1-20-78]

Records on File in Community Colleges

581-43-085 [1EB 118, f. 11-28-67, ef. 12-25-67;
1EB 131, f. 5-19-72, ef. 6-1-72;
Repealed by 1EB 1-1978,
f. & ef. 1-20-78]

581-43-100 [Renumbered to 581-43-700]

581-43-105 [Renumbered to 581-43-700]

581-43-110 [Renumbered to 581-43-700]

581-43-115 [Renumbered to 581-43-900]

581-43-116 [Renumbered to 581-43-900]

581-43-118 [Renumbered to 581-43-900]

581-43-119 [Renumbered to 581-43-900]

Feasibility Criteria for the Formation of a Community College Operating District

581-43-200 [1EB 178, f. 10-18-74, ef. 11-11-74;
Repealed by EB 10-1990,
f. & cert. ef. 1-30-90]

Feasibility Criteria for the Formation of a Community College District Providing Courses Through Contract

581-43-210 [1EB 178, f. 10-18-74, ef. 11-11-74;
Repealed by EB 10-1990,
f. & cert. ef. 1-30-90]

581-43-220 [Renumbered to 581-42-200]

581-43-230 [Renumbered to 581-42-200]

Advanced Payment to Newly Created Community College District or Community College Service District

581-43-231 [EB 11-1987(Temp), f. & ef. 6-16-87;
EB 26-1988, f. & cert. ef. 5-25-88;
Repealed by EB 14-1991,
f. & cert. ef. 7-19-91]

581-43-240 [Renumbered to 581-42-400]

581-43-250 [Renumbered to 581-42-400]

581-43-251 [Renumbered to 581-42-500]

581-43-255 [Renumbered to 581-41-220]

581-43-256 [Renumbered to 581-43-750]

581-43-260 [Renumbered to 581-41-205]

581-43-265 [Renumbered to 581-41-250]

581-43-266 [Renumbered to 581-41-200,
581-41-210 and 581-41-250]

Redistribution of State Appropriations of Funds Undistributed Due to Under-Realized Enrollment

Redistribution of State Appropriations of Funds Undistributed Due to Under-Realized Enrollment

581-43-270 [1EB 16-1986,
f. 4-25-86, ef. 4-28-86;
Repealed by EB 12-1991,
f. & cert. ef. 7-19-91]

Lower Division Collegiate Course Approvals

581-43-275 (1) For the purposes of this rule, "Lower Division Collegiate" (LDC) is defined as areas of instruction, including a representative range of academic and professional fields, which parallel the offerings of the first two years of the four-year institutions, carry regular college transfer credit, and based on current articulation agreements between the Office and the State Board of Higher Education, are generally accepted for transfer credit by higher education institutions.

(2) Standards for LDC course approval include:

(a) Courses offer content present or acceptable in the first two years of instruction in four-year higher education institutions;

(b) Courses are designed to assure satisfactory articulation and transferability to Oregon State System of Higher Education institutions.

(3) Under the authority of ORS 341.425, the State Board delegates to the Office to approve Lower Division Collegiate courses, which approval allows the community college to receive state funding to support those courses.

(4) Request for course approval by a community college which is accredited by the Northwest Association of Schools and Colleges will conform to the following procedure:

(a) The applicable form (available from the Office) for either new or revised courses is to be completed in duplicate and submitted to the Office at least 60 days prior to the date on which the course is to commence;

(b) Courses new to a specific college which have been previously approved by the Office for another college and are included in the catalog Oregon Community Colleges: Lower Division Collegiate Courses may be offered without further approval. The college must, however, notify the office.

(5) Request for course approval by a community college which has not yet received accreditation by the Northwest Association of Schools and Colleges is subject to review and approval by the State Board in consultation with the State Board of Higher Education.

Stat. Auth.: ORS Ch. 326, 341, 342, 659 & 660
Stats. Implemented: ORS 341.425
Hist.: 1EB 132, f. 5-19-72, ef. 6-1-72; 1EB 166, f. 2-20-74, ef. 3-11-74; 1EB 172, f. 6-17-74, ef. 9-1-74; EB 14-1991, f. & cert. ef. 7-19-91; Renumbered from 581-42-020, 581-42-025, 581-42-030 & 581-42-035

Vocational and Technical Course and Program Approvals

581-43-290 (1) For the purposes of this rule:

(a) "Occupational curriculums and courses" is defined as those occupational preparatory or occupational supplementary courses intended for persons who are high school graduates and for others who, in the judgment of the community college administration are capable of profiting from the instruction. Complementary courses in general education within an approved curriculum are included;

(b) "Occupational preparatory" is defined to include those courses and programs which are post-secondary courses designed to prepare persons for employment in a specified occupation or cluster of closely related occupations. Special needs courses, designed for persons who have academic, socio-economic or other handicaps that would prevent them from succeeding in regular occupational preparatory courses, are included;

(c) "Occupational supplementary" is defined to include courses and programs designed for individuals who have already entered an occupation but seek to improve their occupational skills and knowledge in order to achieve employment stability or advancement;

(d) "Complementary courses in general education" is defined as those courses which are designed to serve as supportive parts of the occupational preparatory curriculums. They are designed to aid the students in attaining a higher degree of self-development and to assist the student to make a maximum contribution as a citizen in a democratic society;

(e) "Vocational", "technical", and "occupational" are used interchangeably.

(2) Under the authority of ORS 341.425, the State Board delegates authority to the Office to approve vocational and technical courses, which approval allows the community college to receive state funding to support those courses. Programs must be approved by the State Board.

(3) Standards for approval of occupational preparatory courses include:

(a) Courses are components of a curriculum of the college;

(b) Courses provide education and training directed to the development of abilities, skills, understanding and attitudes needed to enter in an occupation;

(c) Courses are designed for occupational employment and are not necessarily directed toward completion of baccalaureate degree requirements;

(d) Courses, along with associated curricula, are developed and operated with the advice and counsel of employers, employees and other persons knowledgeable about the requirements of the occupations involved.

(4) Standards for approval of occupational supplementary courses include:

(a) Courses may or may not be components of a curriculum of the community college;

(b) Courses are not directed toward the completion of requirements for a baccalaureate degree;

(c) Courses provide education and training designed to develop abilities, skills, understandings and attitudes needed to improve occupational skills in order to achieve employment stability or advancement;

(d) Courses are developed and operated with the advice and counsel of employers, employees, and other persons knowledgeable of the requirements of the occupation involved.

(5) Vocational and technical curriculum approval procedures require:

(a) That curriculum approval be required for all occupational preparatory offerings, and for occupational supplementary offerings which have been designed as curricula;

(b) That a written notice of intent to develop occupational preparatory and occupational supplementary curricula be furnished to the Office at least three months prior to the planned implementation date;

(c) That the written notice of intent be reviewed by the Office staff and after processing be sent to the Office of Education Policy and Planning for its review. The college will be notified of any objections to the proposed curriculum;

(d) That vocational and technical curricula be submitted to the Office in duplicate for approval at least six weeks prior to the date they are to be offered by the college but no later than April 1 for implementation the following fall term. The application forms are to provide the following supporting data:

(A) Substantiation of the need for an occupational preparatory curriculum based on an analysis of worker demand and supply at the state and/or local level and of average wage levels;

(B) The membership of the advisory committee providing advice and counsel in the development of the curriculum;

(C) The minimum completion requirements to be met by students in order to qualify for a certificate, a diploma, or an associate degree;

(D) A typical sequence of courses showing the planned offerings by term. The sequence is to indicate course prerequisites, required courses, and provision for electives. All options within the curriculum shall be clearly listed. A revised curriculum must be approved each time an option is added;

(E) Course descriptions which are sufficiently detailed to portray the intended coverage and specific prerequisites, course titles, course numbers, course credit, and class and laboratory hours per week.

(e) That revised curricula receive new approval when a course or courses have been changed within the curriculum. A letter of transmittal denoting the course changes should accompany the curriculum approval request;

(f) That course numbers be assigned according to the format outlined in the **Handbook of Approval Requirements and Procedures for Oregon Community College Degrees, Programs, Courses and Instructors**, published by the Office.

(6) Occupational prepatory course approval procedures require that courses be integral parts of a curriculum of the college.

(7) Occupational supplementary course approval procedures require that if the course(s) is not an integral part of a curriculum of a college, application for approval is to be completed in duplicate and submitted to the Office prior to the date the courses are to be offered.

(8) Approval of a curriculum involving new occupational prepatory or supplementary or complementary general education courses constitutes approval of non-lower division courses as described in the curriculum approval request. Lower Division Collegiate Courses must be approved individually through the Office.

[**Publications:** The publication(s) referred to or incorporated by reference in this rule are available from the Department of Education.]

Stat. Auth.: ORS Ch. 326, 341, 342, 659 & 660
Stats. Implemented: ORS 341.425
Hist.: 1EB 132, f. 5-19-72, ef. 6-1-72; 1EB 166, f. 2-20-74, ef. 3-11-74; EB 14-1991, f. & cert. ef. 7-19-91; Renumbered from 581-42-040, 581-42-045, 581-42-050, 581-42-055 & 581-42-060

Other Education Course Approvals

581-43-300 (1) For purposes of this rule "Other

Education Courses" is defined as general self-improvement courses intended primarily for adults and independent of occupational or lower division curricula. These courses are not intended for programs which may lead toward a baccalaureate degree. These courses may be used as prerequisite and elective courses in vocational degree and certificate programs.

(2) Scope of Other Education Courses includes areas of instruction not otherwise included in the vocational and technical education and lower-division collegiate categories. Program areas include but are not limited to adult basic education (ABE), general education development (GED), adult high school completion (AHS), English as a second language (ESL), and self-improvement courses not fitting into previously listed categories.

(3) Standards for Approval of Other Education Courses include:

(a) The course is primarily intended primarily for adults;

(b) The course may be developmental in nature and offered for:

(A) Those adults with less than an eighth grade education through adult basic education classes;

(B) Those adults with less than a high school diploma through adult high school completion programs;

(C) Those persons who lack sufficient background in subject matter areas to make satisfactory progress in the regular course of the institution; or

(D) Those persons who lack necessary English language skills needed to make satisfactory progress in the regular courses of the institution or to enter the workforce.

(c) The course must include at least six contact hours of instruction.

(4) Under the authority of ORS 341.425, the State Board delegates authority to the Office to approve Other Education Courses, which approval allows the community college to receive state funding to support those courses.

(5) Other Education course approval procedures require:

(a) That when a course is listed as approved in the **Catalog of Other Reimbursable Courses**, published by the Office, inclusion will constitute approval for all community colleges;

(b) That if the course is not listed as approved in the **Catalog**, an application form for course approval be completed in duplicate and be submitted to the Office prior to the date on which the course commences.

(6) State Reimbursement shall not be available for hobby or recreation courses; however, such courses may be provided on a self-sustaining basis:

(a) "Hobby Course" is defined as any directed activity engaged in by individuals avocationally, resulting in a collection of objects or in the production of works;

(b) "Recreational Course" is defined as any directed activity in which individuals participate with the purpose of engaging in physical activity, except those activities which focus on physical fitness or which directly relate to the initial skill development of physical activities in which individuals could reasonably be expected to participate during most of their adult lives.

[Publications: The publication(s) referred to or incorporated by reference in this rule are available from the Department of Education.]

Stat. Auth.: ORS Ch. 326, 341, 342, 659 & 660
Stats. Implemented: ORS 341.425
Hist.: 1EB 132, f. 5-19-72, ef. 6-1-72; 1EB 166, f. 2-20-74, ef. 3-11-74; EB 14-1991, f. & cert. ef. 7-19-91; Renumbered from 581-42-065, 581-42-070, 581-42-075 & 581-42-085

Apprenticeship

581-43-400 (1) For purposes of this rule:

(a) "Course of Study" is defined as a plan for conducting instruction in a given occupational area. Each course of study includes instructional objectives and an outline of course content for related instruction and/or manipulative instruction in the classroom, evaluation procedures and instruments for measuring performance;

(b) "Instructional Objectives" is defined as a statement of what the learner is expected to accomplish or acquire as a result of the learning experience. Objectives are measurable in time and amount;

(c) "Plan of Instructional Practices or Strategy" is defined as those techniques and procedures which an instructor may use to conduct the learning activities in the shop or classroom. The plan includes procedures and teaching aids, references, and methods of testing and evaluation;

(d) "Outline of Course Content" is defined as an outline of skills and knowledge required in the occupation;

(e) "Units of Instruction" is defined as that portion or division of a course that can be considered complete in itself and can be taught separately.

(2) Responsibilities of partners:

(a) For each occupation and industry, the Oregon State Apprenticeship and Training Council shall review and approve courses of study for apprentices, based on current occupational analyses, which meet the training needs of each joint apprenticeship committee and which shall be available to all registered apprentices;

(b) Joint apprenticeship committees, in cooperation with the local community college, shall have the responsibility for determining the training needs of the apprentices indentured by the committees subject to the training objectives adopted for the particular occupation or industry;

(c) Local community colleges shall have the responsibility for meeting the training needs of apprentices under the guidance of the local apprenticeship committee and within the limits of the available resources and facilities. This includes development and approval of courses for apprentices.

(3) Options offered by community colleges to satisfy the related training requirements of apprentices are subject to approval by the local joint apprenticeship committee and may include:

(a) Mixed classes of apprentices and journeymen;

(b) Occupational extension classes open to all registered apprentices;

(c) General education programs conducted as a part of the normal college curricula;

(d) Advance technical courses offered on a full credit basis under a reading and conference arrangement;

(e) The enrollment of out-of-district students;

(f) The establishment of a single college as the main training center;

(g) The coordination of training activities between several community colleges; and

(h) Any other procedures which may improve apprentice training programs.

(4) In order to provide increased educational opportunities for apprentices working in less densely populated areas where class size places a burden on the educational institution:

(a) Community colleges shall explore all options and opportunities for increasing the amount of contact time between apprentices and instructors;

(b) Local apprenticeship committees and community colleges shall make every effort to meet a minimum class size of 12 students by considering the various options available for training apprentices;

(c) 144 clock hours (in minimum blocks of 50 minutes) of related training shall be required each year unless determined otherwise by the appropriate apprenticeship committee;

(d) Small enrollment classes may be held in a private shop environment to reduce cost. The community college conducting off-campus training programs in cooperation with private individuals and organizations shall maintain direct administrative control of those programs;

(e) Telecommunications systems shall be used, where feasible; and

(f) Itinerant instructors to rural areas shall be used to provide training.

(5) Financial support of apprenticeship programs can include:

(a) Tuition, set by authority of the community college board of education;

(b) State reimbursement, provided based on the formula described in OAR 581-41-200. Contracts shall not imply any requirement on the part of the state for reimbursement beyond the amounts appropriated for such purposes or beyond the biennial period covered by any such appropriation;

(c) Private assistance, which is to be made available without discrimination to each local registered apprentice enrolled in the program. This may be in the form of federal student financial aid, local college foundation support or private donations.

(6) In order to standardize instructor selection procedures and to insure that apprentice instructors have the minimum basic teaching competencies required by the occupations and industries, the following rules apply:

(a) Apprentice-related training instructors shall have the necessary knowledge and skills required of a practicing journeyman. Persons outside the trade may be used to teach special subjects where special expertise is required;

(b) Instructor occupational competency shall be determined by the appropriate apprenticeship committee, or the committee may use an industry evaluation committee established for that purpose;

(c) Acting upon recommendations of the apprenticeship committee, the community college conducting related training shall have the responsibility for the selection of instructors;

(d) Instructor performance shall be evaluated according to the college's personnel policies or collective bargaining agreement, whichever applies by the community college and the local apprenticeship committee responsible for the administration of the training program.

(7) In order to ensure that instructors have the necessary teaching skills to make them effective teachers, the following rules apply:

(a) Preservice training shall be available to all apprentice instructors who do not possess the necessary minimum teaching skills. The community college and the local apprenticeship committee shall have joint responsibility for defining needed competencies and developing and implementing the training. Credit may be given for this training;

(b) In-service training shall be available to all apprentice instructors through the community college provider and/or the Apprenticeship Committee. The community college and the local apprenticeship committee shall have joint responsibility for establishing objectives for the training. Credit may be given for this training.

(8) In order that work experience and related training obtained in an apprenticeship training program is recognized and has an earned credit value toward the achievement of a community college associate degree, the following rules apply:

(a) The Office shall establish standards for granting community college credits for satisfactory work experience and apprentice-related training toward associate degrees for those apprentices that desire an associate degree;

(b) A journeyman in any occupation or craft who has completed a registered apprenticeship program or can provide satisfactory proof of equivalent training and experience resulting in journeyman status, may be credited with a maximum of 25 percent of the credits required for a certificate or a degree;

(c) Credit toward an associate degree can be earned by attending related training classes. Forty-eight hours of related training which combines lecture and laboratory work shall be computed at three credits. Credit for 144 hours of related training per year shall be computed at nine credits;

(d) An Associate of Applied Science degree shall be based on a minimum of 90 credits of which 18 shall be general education and the balance in occupational specific experience and related training.

(9) Procedures for evaluating training and education received in a regular, ongoing community college program for credit toward the apprenticeship requirements are as follows:

(a) The authority for granting credit for previous education and training toward apprenticeship training requirements is delegated by law to each joint apprenticeship committee;

(b) Community colleges shall cooperate with each joint apprenticeship committee to identify the apprentice training requirements which can be met by regular community college programs;

(c) Evaluation procedures to establish credit for community college work toward apprenticeship requirements shall follow policies adopted by the Oregon State Apprenticeship and Training Council in cooperation with the Office;

(d) An apprentice may request credit from the joint apprenticeship committee for previous experience. If the previous experience was outside the supervision of the joint apprenticeship committee, the apprentice must submit his or her request in writing to the joint apprenticeship committee and furnish such records, affidavits, or other bona fide evidence as the joint apprenticeship committee shall require to substantiate his or her claims. The Apprenticeship Council, with the community college, will determine the appropriateness of the experience and the credit to be awarded.

Stat. Auth.: ORS Ch. 326, 341, 342, 659 & 660
Stats. Implemented: ORS 341.425
Hist.: 1EB 151, f. 7-20-73, ef. 8-1-73; 1EB 166, f. 2-20-74, ef. 3-11-74; 1EB 197, f. 5-23-75, ef. 6-25-75; EB 14-1991, f. & cert. ef. 7-19-91; Renumbered from 581-42-090, 581-42-095, 581-42-100, 581-42-105, 581-42-110, 581-42-115, 581-42-120, 581-42-125, 581-42-130, 581-42-135, 581-42-140 & 581-42-145

Dual Credit Programs

581-43-510 (1) For purposes of this rule, "Dual Credit" is defined as awarding secondary and postsecondary credit for a course offered in a high school during regular school hours, as determined by local policy.

(2) Before developing programs with high schools, each college will file with the Office a policy for governing dual credit programs. Policies must detail the following:

(a) Requirements for instructors including:

(A) Masters degree for instructors of Lower Division Collegiate courses; and

(B) Appropriate education and experience for instructors of vocational-technical-professional courses.

(b) Methods for selecting student participants, including limiting classes to seniors and qualified juniors, and in exceptional cases other qualified students. Qualifications must be defined;

(c) Assurances that classes will be transcripted by the college;

(d) Assurances that materials and subject matter are college level.

(3) On or before August 1 of each year, colleges will submit an annual evaluation of the previous school year's dual credit programs, including but not limited to description of:

(a) Programs and courses offered;

(b) Student outcomes;

(c) Instructors' qualifications; and

(d) Program costs.

(4) Participating school districts and postsecondary institutions shall develop written agreements based on the policies described in this rule regarding dual credit programs, which include:

(a) Criteria regarding approval of courses, selection and approval of instructors, admissions, procedures, counseling, monitoring, and evaluation; and

(b) The provision that all agreements and policies shall be available to all staff members involved in the programs and to parents and students.

(5) Participating school districts and postsecondary institutions shall, in consultation with appropriate staff members, determine that course content and instructional quality are consistent with that offered by the community colleges.

(6) The Commissioner shall require an accounting of FTE consistent with these rules.

Stat. Auth.: ORS Ch. 326, 327, 341, 342, 659 & 660
Stats. Implemented: ORS 341.425
Hist.: 1EB 10-1981, f. 5-6-81, ef. 5-7-81; EB 14-1991, f. & cert. ef. 7-19-91; Renumbered from 581-42-088

Veterans Programs

581-43-530 (1) Each institution requesting approval for the training of veterans and other eligible persons will develop "Standards of Satisfactory Progress" for such students and submit the standards to the Office for approval. The approved statement of standards will become one of the criteria for the approval of the institution for the training of veterans and other eligible persons.

(2) The institutions' standards of progress:

(a) Must include the grade or grade point average necessary to graduate;

(b) Will contain a drop period of reasonable length but in no case shall such a period of time exceed four weeks from the beginning date of classes as determined by institutional records;

(c) Will contain a provision for notification of the veteran student when he or she has not met the "satisfactory progress" requirements and is subject to a probationary status. A probationary period may be established but such a period will not exceed the federally-prescribed length;

(d) Will contain a limitation upon the length of time a veteran student may be enrolled in deficiency courses;

(e) Will recognize that no veteran student will be considered to have made satisfactory progress when he or she withdraws from all courses undertaken when enrolled in two or more courses or six credits except where there is a showing of extenuating circumstances. Extenuating circumstances are defined as those circumstances over which the student has no control; and

(f) Will contain a provision for the notification of the veteran student of the institution's "Satisfactory Progress Standard" and a description on the process for notification.

Stat. Auth.: ORS Ch. 326, 341, 342, 659 & 660
Stats. Implemented: ORS 341.425
Hist.: 1EB 223, f. 3-22-76, ef. 4-1-76; EB 14-1991, f. & cert. ef. 7-19-91; Renumbered from 581-46-001

General Educational Development Program and Certificates of High School Equivalency

581-43-600 (1) The General Educational Development (GED) tests are a measure of high school equivalency and include:

(a) Writing skills;

(b) Social studies;

(c) Science;

(d) Reading skills; and

(e) Mathematics.

(2) All GED tests applicants except those confined to Oregon correctional or health institutions must take the GED test at an approved military testing center or an official GED testing center.

(3) Residents of states other than Oregon may be tested at Oregon agencies but must meet the requirements of their resident states and apply to the resident state for certification.

(4) Official GED testing centers and local GED

examiners shall be approved by the State Administrator, GED Program, Office of Community College Services, when the following have been documented (GEDTS Forms 75 and L-10):

(a) Need for a new testing site in a specific region or location;

(b) Need for new or replacement examiner at a testing center;

(c) Willingness of center personnel to meet all testing center requirements described in **Chapters 4, 5, and 6** of the **GED Examiner's Manual** published by **GED Testing Service** of the **America Council on Education**.

(5) Before testing center is approved, testing centers in Oregon shall also submit to the State GED office for approval:

(a) Appropriate fee structure that shall not exceed the cost of administering the GED tests;

(b) Appropriate testing schedules to meet year-round needs of geographic area being served.

(6) The annual contract between local testing centers, the Office of Community College Services and the GED Testing Service shall provide assurances that all state and national requirements shall be met. A proposed budget and testing schedule shall accompany the annual contract. Failure to meet requirements may result in center closure.

(7) Requirements for a Certificate of Equivalency include:

(a) That an applicant must physically reside within or have had his or her last formal school attendance in Oregon;

(b) That, except as provided below, the applicant must be 18 years of age to take the GED tests:

(A) An applicant who is at least 16 years of age, but not yet 18 years of age, may take the GED tests under the following circumstances:

(i) The local school district must certify to authorized Oregon GED Chief Examiners that the applicant is exempt from compulsory school attendance for reasons cited in ORS 339.030(5), 339.250(6) and OAR 581-21-070, 581-21-071, and 581-21-076, and has secured the permission of his or her parent or legal guardian; or

(ii) The Education Service District must certify to authorized Oregon GED Chief Examiners that the applicant is exempt from compulsory school attendance for reasons cited in ORS 339.030(3); or

(iii) The parent or legal guardian must certify to authorized Oregon GED Chief Examiners that the applicant is exempt from compulsory school attendance for reasons cited in ORS 339.030(1). The parent or legal guardian shall specifically indicate that the applicant has permission to take the GED tests.

(B) Because ORS 190.520 states that persons are deemed to reach majority upon marriage, an applicant of any age may take the GED test if he or she certifies that he or she is lawfully married;

(C) The Commissioner may, under special and extraordinary circumstances, waive certification requirements in subparagraph (7)(b)(A)(i),(ii) or (iii) of this rule.

(8) The GED Chief Examiner shall ensure that the applicant is advised of:

(a) Locally available practice testing and preparation opportunities;

(b) Policies, including limitations on retesting procedures; and

(c) The special GED scores that are required by apprenticeship and some postsecondary educational programs.

(9) To obtain the Certificate of Equivalency, an applicant must achieve a minimum standard score of 40 or above on each of the five tests that comprise the GED battery and an average standard score of 45 or above on the total battery of tests, effective January 1992.

(10) Previous high school enrollment is not required for an applicant to be eligible to receive a Certificate of Equivalency.

(11) Certificate application:

(a) The individual who passes the tests may make application for the Certificate of Equivalency to the State Administrator, GED Program, Office of Community College Services, Salem, Oregon. Application forms, available at all official testing centers, may be completed at the time the test is taken and mailed by the testing center along with scores;

(b) Test scores are accepted as official only when reported directly by official GED agencies, the United States Armed Forces Institute, directors of Veterans Administration hospitals, and in special cases by the GED Testing Service;

(c) Service personnel are responsible for having their test scores sent to the State GED Administrator. Upon receipt of these scores, a certificate application form will be mailed.

(12) Testing centers shall comply with the requirements of the Testing Program by refusing to administer tests to those who have not reached the age of 18 unless permitted by this rule.

(13) By authorization of the Commission on Educational Credit and Credentials, the Office of Community College Services administers the GED tests to individuals confined to state correctional and health institutions.

(14) Upon the recommendation of the Commission of Accreditation of Service Experience of the American Council on Education, the following provisions apply to GED testing of members of the Job Corps stationed in Oregon:

(a) Civilian-restricted forms of the GED test can be administered to Job Corps trainees who have been determined to be eligible by the educational director of the Job Corps Training Center;

(b) Testing will be done at official GED agencies, and the usual testing fee will be charged;

(c) Persons taking the test must be at least 18 years of age unless this requirement has been waived by the State Administrator of GED upon recommendation of the Director of the Job Corps Training Center.

[**Publications:** The publication(s) referred to or incorporated by reference in this rule are available from the Department of Education.]

Stat. Auth.: ORS 326.550, Ch. 341, 342, 659 & 660
Stats. Implemented: ORS 326.550
Hist.: 1EB 49, f. 4-19-60, ef. 5-10-60; 1EB 130, f. 5-5-72, ef. 10-15-72; 1EB 137, f. 8-18-72, ef. 10-1-72; 1EB 194, f. 4-18-75, ef. 7-1-75; 1EB 240, f. & ef. 8-27-76; 1EB 5-1984, f. & ef. 3-7-84; EB 6-1988, f. & cert. ef. 1-14-88; EB 14-1991, f. & cert. ef. 7-19-91; Renumbered from 581-46-010; EB 15-1992, f. & cert. ef. 5-13-92; EB 4-1993, f. & cert. ef. 1-13-93; EB 30-1993(Temp), f. & cert. ef. 9-30-93; EB 36-1993, f. & cert. ef. 12-14-93

[ED. NOTE: The text of Temporary Rules is not printed in the Oregon Administrative Rules Compilation. Copies may be obtained from the adopting agency or the Secretary of State.]

Adult High School Programs

581-43-650 (1) Community colleges are authorized to award Adult High School Diplomas to persons exempt from compulsory school attendance and who meets the graduation requirements as set forth at OAR 581-22-316.

(2) Adult High School Diploma instructional plans detailing how a college plans to meet the State graduation requirements are to be filed with the Office after approval by the college board. The filing process shall be complete when the plan has been approved by the Commissioner, in consultation with Department of Education standardization staff.

(3) The plan shall describe:

(a) Any local admissions requirements;

(b) Student advisory services;

(c) Student assessment practices and procedures;

(d) Procedures for student records, including:

(A) The establishment, maintenance, and security of student records;

(B) Enrollment and attendance data; and

(C) Transcript and portfolio information.

(e) Procedures for documenting life experience credit; and

(f) Process and schedule for program monitoring and evaluation.

(4) Awarding of adult high school credit for community college credit classes. In recognition that the high school credit and community college credit are dissimilar units, community colleges will use a 1-to-6 ratio of high school credit to community college credit; i.e., one hour of high school credit will be awarded for each six hours of community college credit. When community college classes are transferred to the high school to apply to local district graduation, the number of credits awarded is determined by local district policy.

Stat. Auth.: ORS Ch. 326, 341, 342, 659 & 660
Stats. Implemented: ORS 341.425
Hist.: 1EB 132, f. 5-19-72, ef. 6-1-72; 1EB 166, f. 2-20-74, ef. 3-11-74; 1EB 263, f. & ef. 7-5-77; 1EB 9-1983, f. & ef. 10-13-83; EB 14-1991, f. & cert. ef. 7-19-91; Renumbered from 581-42-005(5)(a) - (d)

Community College Personnel Policies and Instructor Approval

581-43-700 (1) Each community college will, through its Board of Education, establish a personnel policy statement, including a policy on instructor selection and development which must include, but need not be limited to, the following:

(a) Definitions of the main terms used in the policy;

(b) Institutional standards for instructor qualifications (standards for teachers of lower division collegiate courses must include a masters degree in a subject area closely related to that in which the instructor will be teaching; however in subject areas in which individuals have demonstrated their competencies and served in professional fields and in cases in which documentation to support the individual's proficiency and high level of competency can be assembled, the master's degree requirement may be waived at the discretion of the college president);

(c) Position descriptions;

(d) Procedures for instructor approval, including period of instructor approval;

(e) The date by which the contract of a professional staff member shall be considered renewed for the following school year;

(f) A statement regarding academic freedom and responsibility;

(g) Procedures for staff development of full-time and part-time instructors;

(h) Procedures for staff evaluation;

(i) Grievance and appeals procedures;

(j) Affirmative action plan;

(k) College organization; and

(l) Methods of policy development and review.

(2) Personnel policies adopted by community college boards shall be filed with the Commissioner within one year following establishment of the community college district. Thereafter, each college shall file annually between December 1, and January 1 either any policy revisions made or a statement that policies currently on file are being continued. In the event the governing board of the community college shall fail to enact personnel policy as herein set forth, the Commission may withhold the next scheduled state operating fund payment until such personnel policy is enacted and submitted to the Office.

(3) The evaluation of the qualifications of instructors shall be carried out by personnel of the employing institution, shall be based on the teaching competencies and instructional content competencies needed for the teaching assignment and shall take into account both formal preparation and experience.

(4) Each community college shall maintain a record on each instructor employed containing information necessary to support the selection of that instructor. These records may include:

(a) An employment application from the applicant which, as a minimum, contains an educational and employment record sufficient to support the applicant's qualifications for the instructional assignment;

(b) A copy of the individual professional development plan for each full-time instructor and an appropriate plan for part-time instructors;

(c) A cumulative record of major professional development activities completed; and

(d) Appropriate data on evaluation and period of approval.

(5) Staff development policies shall include, but not be limited to, the following:

(a) Policy objectives;

(b) Minimum requirements for developmental activities designed to improve teaching competence;

(c) Procedures for developing and implementing individual and group professional development plans; and

(d) Appropriate provisions for the upgrading of part-time instructors.

(6) A community college shall, upon request, furnish the Office data pertinent to instructors and staff development activities.

Stat. Auth.: ORS Ch. 326, 341, 342, 659 & 660
Stats. Implemented: ORS 341.015 & 341.535

Hist.: 1EB 131, f. 5-19-72, ef. 6-1-72; 1EB 135, f. 7-11-72, ef. 8-1-72; 1EB 153, f. 7-20-73, ef. 8-1-73; 1EB 167, f. 2-20-74, ef. 3-11-74; EB 14-1991, f. & cert. ef. 7-19-91; Renumbered from 581-43-005, 581-43-010, 581-43-015, 581-43-020, 581-43-025, 581-43-030, 581-43-035, 581-43-100, 581-43-105 & 581-43-110

Use of Community College Instructors in High Schools

581-43-750 (1) A school district may contract with a postsecondary institution accredited by the Northwest Association of Schools and Colleges for instruction at the high school site by a person who does not hold a current Teacher Standards and Practices Commission certificate if the following conditions are met:

(a) The person is employed by a postsecondary institution accredited by the Northwest Association of Schools and Colleges;

(b) The person's teaching qualifications are verified by formal preparation and/or work experience, including:

(A) Evidence of academic and/or technical training sufficient to demonstrate competency in the subject matter area;

(B) Successful postsecondary institution teaching experience in the discipline and/or program area; or

(C) Resume of work experience sufficient to demonstrate competency in the discipline and/or program.

(c) The person meets current board-adopted personnel policies of both the secondary and postsecondary institutions;

(d) The person presents evidence of good moral character, mental and physical health, and such other evidence as the school district board may deem necessary to establish the applicant's fitness to serve as a teacher;

(e) The person has not been convicted of any crime listed in ORS 342.143 or any crime which involves illegal use, sale or possession of controlled substances;

(f) The school district does not have available appropriately qualified and certificated staff for the specific teaching assignment without mis-assignment and was not able to identify and attain such staff after conducting a reasonable diligent search; and

(g) The assignment includes no more than two high school units of credit or equivalent for each school per year.

(2) A school district shall not contract for uncertificated staff under ORS 342.173(1) during:

(a) School closures;

(b) Strikes; and

(c) Summer sessions.

(3) Governing boards of the school district and postsecondary institution shall annually review each contract to ensure that the requisites of this rule have been met:

(a) Contracts approved by both boards shall be forwarded to the State Board for annual review and approval. Such contracts may be submitted to the State Board for approval after a teacher has been assigned to teach. However, the State Board reserves the right to find any contract in violation of the Act notwithstanding the teacher's starting date;

(b) For subsequent contracts all applicable requirements of ORS 342.173(1) regarding availability of certificated staff must be met;

(c) The State Board shall report to the Teacher Standards and Practices Commission violations of these rules that could result in forfeiture of Basic School Support Funds as stated in ORS 342.173 and OAR 584-50-065 and 584-50-067.

Stat. Auth.: ORS Ch. 326, 341, 342, 659 & 660
Stats. Implemented: ORS 342.173
Hist.: EB 25-1987(Temp), f. & ef. 10-20-87; EB 28-1988, f. & cert. ef. 6-9-88; EB 14-1991, f. & cert. ef. 7-19-91; Renumbered from 581-43-256

[**ED. NOTE:** The text of Temporary Rules is not printed in the Oregon Administrative Rules Compilation. Copies may be obtained from the adopting agency or the Secretary of State.]

Measles Immunization — First and Second Doses

581-43-800 Pursuant to ORS 433.283(2) and Health Division OAR 333-19-090, the following definitions are set forth:

(1) "Clinical Experiences" means a student is required to complete practical work experience with patients in a public or private health facility.

(2) "Practicum Experiences in Education and Child Care Programs" means a student is required to complete practical work experience in a public or private child care or education setting.

(3) "Intercollegiate Sports Team" means a college sponsored team that engages in competition with other teams.

Stat. Auth.: ORS 433.283
Stats. Implemented: ORS 433.283
Hist.: EB 25-1992(Temp), f. & cert. ef. 7-27-92; EB 32-1992, f. & cert. ef. 10-14-92

[**ED. NOTE:** The text of Temporary Rules is not printed in the Oregon Administrative Rules Compilation. Copies may be obtained from the adopting agency or the Secretary of State.]

Discrimination

581-43-900 (1) For the purposes of this rule:

(a) "Discrimination" is defined as any act that unreasonably differentiates treatment, intended or unintended, or any act that is fair in form but discriminatory in nature, either of which is based on race, national origin, religion, sex, age, disability, or marital status;

(b) "District or institution" is defined as any community college program and service under the jurisdiction of the State Board of Education;

(c) "Commissioner" means the Commissioner for the Office of Community College Services or a person designated to act in his or her capacity.

(2) No person in Oregon shall be subjected to discrimination in any community college education program, service, or interschool activity where the program, service, or activity is financed in whole, or in part, by moneys appropriated by the legislative assembly.

(3) No person in Oregon shall on the basis of race, national origin, religion, sex, age, disability, or marital status be discriminated against in any terms or conditions of employment. This rule shall apply subject to exemptions granted by state or

federal law to any community college program coming under the State Board's jurisdiction. Every such district shall develop and implement an affirmative action plan. Such plan shall be submitted to the Office along with any other assurances which are deemed reasonable and proper at the time personnel policies are filed under OAR 581-43-700.

(4) In providing programs or services to students, a college or service district shall not, on a discriminatory basis as defined in this rule:

(a) Treat one person differently from another in determining whether such person satisfies any requirement or condition for the provision of such aid, benefit, or service;

(b) Provide different aid, benefits, or services; or provide such aids, benefits, or services in a different manner;

(c) Deny any person such aid, benefit, or service;

(d) Subject any person to separate or different rule or behavior, sanctions, or other treatment;

(e) Aid or perpetuate discrimination by joining or remaining a member of any agency or organization which discriminates in providing any aid, benefit, or service to students or employes;

(f) Otherwise limit any person in the enjoyment of right, privilege, advantage, or opportunity.

(5) A college or service district shall not provide any course or otherwise carry out any of its educational programs or activities on a discriminatory basis as defined in this rule, or require or refuse participation therein by any of its students on such basis:

(a) This section does not prohibit grouping of students in any educational program or activity by ability as assessed by objective standards of individual performance;

(b) This section does not prohibit separating students by sex within physical education courses or activities during participation in wrestling, boxing, rugby, ice hockey, football, basketball, soccer, and other sports, the purpose or major activity of which involves bodily contact.

(6) College or service districts shall not discriminate in offering housing facilities to students, except that:

(a) Separate housing may be provided for men and women; and

(b) Available housing of comparable quality may be divided between men and women on the basis of the number of applications for housing of each sex.

(7) College or service districts shall not discriminate in providing financial assistance to applicants or students. However, districts are free to determine the total amount or types of assistance which will be granted and may place reasonable limitations on eligibility for assistance coming from any particular source.

(8) A college or service district which actively assists any agency, organization, or person in making employment available to any of its students shall assure itself that such employment is made available without discrimination.

(9) A college or service district or any of its agents, including student groups, may not discriminate in offering to students a medical, hospital, or accident policy, plan, benefit, or service. However, districts may offer a benefit or service even though it is not used by the same proportion of students of one group as of another. When full coverage health services are provided basic gynecological care shall be provided.

(10) The Commissioner may issue written interpretations concerning rules for nondiscrimination upon the written request of parties to a complaint at the district level.

(11) Colleges shall adopt written procedures for the prompt resolution of complaints of discrimination. Persons may, after exhausting local grievance procedures or 90 days if no final decision has been made, appeal in writing to the Commissioner. On receiving a written appeal the Commissioner shall send a copy of the complaint to the President of the community college to which the complaint applies. The Commissioner shall request the college to provide within ten days:

(a) A copy of the college's grievance procedures for hearing complaints of discrimination;

(b) A copy of all documents concerning the complaint and the college's record of the grievance proceeding;

(c) A copy of the college's written decision;

(d) The college's position concerning any issues raised by the appeal; and

(e) Any other information the college considers relevant.

(12) After receiving the college's response, if the Commissioner determines that the person filing the appeal has not exhausted all local grievance procedures or that 90 days have not elapsed since the college received the complaint, the Commissioner shall notify the complaining party and the college that the Commissioner will take no action at this time. If the Commissioner determines that the person filing the complaint has exhausted local grievance procedures or that the college has not issued a final decision and more than 90 days have elapsed since the college's receipt of the complaint, the Commissioner shall make a determination as provided under section (16) of this rule.

(13) After receiving the documents described in section 11 of this rule from the college, the Commissioner may request additional information from the complaining party or the college.

(14) The Commissioner shall review the hearing record to determine the following:

(a) Whether the college followed its grievance procedures appropriately;

(b) Whether the college's findings are supported by facts and information in the record;

(c) Whether the college engaged in any action which constitutes discrimination on the basis of race, national origin, religion, sex, age, disability, or marital status. An action constituting discrimination includes any act, activity, policy, rule, standard, or method of administration, or the use of any policy, rule, standard, or method of administration that results in discrimination. The review shall include complaints that raise class-based allegations regardless of whether the complaint identifies a specific party that has been discriminated against or injured by a college's activity, policy, rule, standard, or method of administration.

(15) If the appeal raises legal issues, the Commissioner may consult the Department of Justice for advice.

(16) Following review of the record, the

Commissioner may:

(a) Issue an order of dismissal upon a finding that the college properly followed its procedures and that no substantial evidence exists to support the charge of discrimination;

(b) Recommend mediation if both parties are willing to participate in mediation;

(c) Conduct a contested case hearing or appoint a hearings officer to conduct a contested case hearing in accordance with ORS chapter 183 if it appears there are factual issues that were not resolved in the college's grievance proceeding; or

(d) Remand the complaint to the college for prompt resolution if the Commissioner finds that the college has not followed its grievance procedures appropriately or that there are remaining factual issues that could be best resolved at the local level by the college.

(e) Issue an order with findings that the college has engaged in discrimination.

(17) The Commissioner shall enter his or her order within 30 days of the filing of the appeal unless both parties agree to extend the time or the Commissioner finds there is good cause for an extension of time.

(18) If the Commissioner finds that the college has engaged in discrimination, the Commissioner shall require the college to submit a corrective action plan within 30 days of the issuance of the Commissioner's order. The corrective action plan should be designed to assure that the college corrects any discriminatory action that has occurred and that the college has taken reasonable steps to assure that the discriminatory action will not reoccur.

(19) If a college fails to submit a corrective action plan or fails to carry out the terms of its corrective action plan, the Commissioner shall consider the following sanctions:

(a) withholding of state funding;

(b) assessing daily fines against the college;

(c) forbidding participation in interscholastic activities; or

(d) other remedies within the Commissioner's discretion.

(20) The Commissioner shall review the corrective action plan to insure that it meets the requirements of the Commissioner's order, and under appropriate circumstances, the Commissioner may request additional information, conduct an on-site inspection, or take other appropriate action to insure that the college has fully complied with the Commissioner's order and the corrective action plan.

(21) The Commissioner shall keep the State Board informed of any pending discrimination complaints or appeals and shall report to the State Board any final orders issued by the Commissioner at the next regular meeting following issuance of the Commissioner's order.

Stat. Auth.: ORS 659.150
Stats. Implemented: ORS 659.150, 659.155 & 659.160
Hist.: 1EB 260, f. 3-3-77, ef. 3-5-77; EB 14-1991, f. & cert. ef. 7-19-91; Renumbered from 581-43-115, 581-43-116, 581-43-118 & 581-43-119; EB 24-1995, f. & cert. ef. 9-18-95

DIVISION 44

WORKFORCE 2000 VOCATIONAL TECHNICAL EDUCATION PROGRAM

General Authority

581-44-005 [1EB 108, f. 12-23-63;
1EB 118, f. 11-28-67, ef. 12-25-67;
1EB 168, f. 2-20-74, ef. 3-11-74;
Repealed by 1 EB 20-1979,
f. & ef. 11-15-79]

Policy Statement

581-44-010 [1EB 108, f. 12-23-63;
1EB 118, f. 11-28-67, ef. 12-25-67;
1EB 168, f. 2-20-74, ef. 3-11-74;
Repealed by 1 EB 20-1979,
f. & ef. 11-15-79]

State Fund Participation

581-44-015 [1EB 108, f. 12-23-63;
1EB 118, f. 11-28-67, ef. 12-25-67;
1EB 168, f. 2-20-74, ef. 3-11-74;
Repealed by 1 EB 20-1979,
f. & ef. 11-15-79]

Institutional Eligibility For State Funds

581-44-020 [1EB 108, f. 12-23-63;
1EB 118, f. 11-28-67, ef. 12-25-67;
1EB 168, f. 2-20-74, ef. 3-11-74;
Repealed by 1 EB 20-1979,
f. & ef. 11-15-79]

Federal Fund Eligibility

581-44-025 [1EB 108, f. 12-23-63;
1EB 118, f. 11-28-67, ef. 12-25-67;
1EB 168, f. 2-20-74, ef. 3-11-74;
Repealed by 1 EB 20-1979,
f. & ef. 11-15-79]

Federal, State, and Local Matching Relationships

581-44-030 [1EB 108, f. 12-23-63;
1EB 118, f. 11-28-67, ef. 12-25-67;
1EB 168, f. 2-20-74, ef. 3-11-74;
Repealed by 1 EB 20-1979,
f. & ef. 11-15-79]

Allocations of State Capital Construction Funds

581-44-035 [1EB 108, f. 12-23-63;
1EB 118, f. 11-28-67, ef. 12-25-67;
1EB 168, f. 2-20-74, ef. 3-11-74;
Repealed by 1 EB 20-1979,
f. & ef. 11-15-79]

Claimed Credit For Previously Incurred Expenditures

581-44-040 [1EB 108, f. 12-23-63;
1EB 118, f. 11-28-67, ef. 12-25-67;
1EB 168, f. 2-20-74, ef. 3-11-74;
Repealed by 1 EB 20-1979,
f. & ef. 11-15-79]

Fund Allotment Control

581-44-045 [1EB 108, f. 12-23-63;
1EB 118, f. 11-28-67, ef. 12-25-67;
1EB 168, f. 2-20-74, ef. 3-11-74;
Repealed by 1 EB 20-1979,
f. & ef. 11-15-79]

Utilization Standards

581-44-050 [1EB 108, f. 12-23-63;
1EB 118, f. 11-28-67, ef. 12-25-67;
1EB 168, f. 2-20-74, ef. 3-11-74;
Repealed by 1 EB 20-1979,
f. & ef. 11-15-79]

Space Standards

581-44-055 [1EB 108, f. 12-23-63;
1EB 118, f. 11-28-67, ef. 12-25-67;
1EB 168, f. 2-20-74, ef. 3-11-74;
Repealed by 1 EB 20-1979,
f. & ef. 11-15-79]

Approval of Site

581-44-060 [1EB 108, f. 12-23-63;
1EB 118, f. 11-28-67, ef. 12-25-67;
1EB 168, f. 2-20-74, ef. 3-11-74;
Repealed by 1 EB 20-1979,
f. & ef. 11-15-79]

Long-Range Plan Preparation for Oregon Community Colleges

581-44-065 [1EB 168, f. 2-20-74, ef. 3-11-74;
1EB 213, f. 1-19-76, ef. 2-11-76;
Repealed by 1 EB 20-1979,
f. & ef. 11-15-79]

Educational Specifications

581-44-070 [1EB 168, f. 2-20-74, ef. 3-11-74;
Repealed by 1 EB 20-1979,
f. & ef. 11-15-79]

Definitions

581-44-080 The following definitions apply to OAR 581-44-080 through 581-44-140:

(1) "Apprenticeship" refers to those union and nonunion apprenticeships and training programs approved by the Bureau of Labor and Industries.

(2) "ATC" — Advanced Technology Centers, refers to a workforce act program which assists in transferring new technology from the development laboratory to the workplace.

(3) "OPTE" — Office of Professional Technical Education, Oregon Department of Education.

(4) "Eligible Applicant" is an education service district, community college, public school district, OSSHE institution and/or community-based organization which may apply for grant awards.

(5) "ESD" — Education Service District.

(6) "Family-Wage" is income that allows an individual and/or multiple-family unit to meet their basic needs without outside assistance.

(7) "Internship" is a program that provides teachers and counselors work in a business or industry related to their school assignment or technical area.

(8) "JTPA" — Job Training and Partnership Act.

(9) "Match" funds are those funds provided by local entities which support the project along with state funds.

(10) "OEDD" — Oregon Economic Development Department.

(11) "OSSHE" — Oregon State System of Higher Education.

(12) "PIC" — Private Industry Council.

(13) "Program" is any areA of development in 1989 Oregon Laws Chapter 693, "The Workforce Act", for which funding is available.

(14) "Regional Consortia" are those 18 consortia

which are formed and currently the managing bodies of the federal vocational education-funded regional cooperative 2+2 program development efforts.

(15) "SWE" — Structured Work Experience is a program which correlates the value of classroom education and job performance, is an integral part of students' educational plans, and is supervised by the school. Such experiences include, but are not limited to, cooperative work experience, internships, mentorships, on-the-job training, and apprenticeships.

(16) "TSPC" — Teachers Standards and Practices Commission.

(17) "2+2 Tech-Prep Program" is a combined secondary and postsecondary program which:

(a) Culminates in an associate degree. If the program does not culminate in an associate degree, alternates must be approved by the Office of Professional Technical Education;

(b) Provides technical preparation in at least one program area with emphasis on applied academics and new advanced or emerging technologies;

(c) Provides competence in mathematics, science, or communication.

(18) "Two+Two (2+2)" is a program between secondary high schools and community colleges and, as appropriate, with apprenticeship and OSSHE institutions, that allows for a smooth transition to reach agreed-upon student outcomes at each level.

(19) "Urban Areas" are any territory situated within the urban growth boundaries of Portland, Salem, Keizer, and Eugene.

Stat. Auth.: ORS Ch. 961, 909 & 1087
Stats. Implemented: ORS O.L. 1991, Ch. 667
Hist.: EB 29-1989(Temp), f. & cert. ef. 10-20-89; EB 8-1990, f. & cert. ef. 1-26-90; EB 29-1991, f. & cert. ef. 12-4-91; EB 4-1992, f. & cert. ef. 2-21-92

[**ED. NOTE:** The text of Temporary Rules is not printed in the Oregon Administrative Rules Compilation. Copies may be obtained from the adopting agency or the Secretary of State.]

State Goals

581-44-090 A workforce development fund was established by Chapter 961, 1991 Oregon Laws, in the Oregon Economic Development (OEDD) to assist public schools and community colleges to prepare an internationally competitive workforce by the year 2000. OEDD has established a plan and guidelines for administering the fund, **Oregon Economic Development Department Guidelines for Workforce Funds**. The state goals for the program are:

(1) The state goals for the program are:

(a) Coordinated and complementary education, training and employment programs;

(b) A high performance workforce characterized by diversity, technical competence and economic self-sufficiency;

(c) Educational performance standards that match any in the world;

(d) Assurance of education attention necessary for attainment of high academic standards for all students;

(e) An education and employment training system that has the capacity to meet both individual and employment needs.

(2) The objectives of the legislation and the program are to:

(a) Restructure elementary and secondary schools in this state to teach a higher level of skills to all students and to have students achieve these skills at a younger age;

(b) Develop comprehensive, professional and technical programs that lead to industry certification and:

(A) Emphasize structured work experiences;

(B) Involve employers and labor in the development and delivery of such programs;

(C) Recognize standards approved by industry and, where necessary, establish new industry approved standards;

(D) Provide an articulated applied academics program carrying all students to agreed upon goals;

(E) Deliver the support at-risk students need to succeed; and

(F) Produce the high level technical, personal and leadership skills needed by competitive businesses and industries.

(c) Help employers transform their operations to high performance work organizations where frontline workers have higher skills, work in teams and are given greater responsibility for a larger part of the development and production of a product or service;

(d) Provide support and training for dislocated workers, workers in new and expanding businesses and workers collecting unemployment insurance compensation. All such training must be linked to and result in employment for the trainee.

Stat. Auth.: ORS Ch. 961, 909 & 1087
Stats. Implemented: ORS O.L. 1991, Ch. 667
Hist.: EB 29-1989(Temp), f. & cert. ef. 10-20-89; EB 8-1990, f. & cert. ef. 1-26-90; EB 29-1991, f. & cert. ef. 12-4-91; EB 4-1992, f. & cert. ef. 2-21-92

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Workforce Development Programs

581-44-100 To attain the goals and objectives set forth in OAR 581-44-090, the following programs and their purposes are established by the Oregon State Board of Education:

(1) Advanced Technology Center (ATC):

(a) To provide advance instruction in emerging and high technology areas to train, upgrade and retrain personnel for key Oregon industries;

(b) To provide an industry/laboratory setting that will promote applied research in new and emerging technologies and processes which are key to business growth and expansion;

(c) To promote the effective transfer of new products, processes and procedures from the developmental stage to implementation in the workplace.

(2) Community-Based Skill Center — To provide intensive instruction and support to prepare previously unskilled workers to enter education, occupational training, or productive employment.

(3) 2+2 Tech Prep Programs — To provide for the expansion and further development of coordinated and connected instructional programs

among high schools, community colleges, apprenticeship, and other training programs.

(4) Secondary Professional Technical Equipment — To upgrade professional technical equipment in response to new technologies and to assure that instructional programs reflect existing and emerging workforce needs.

(5) Professional Technical Curriculum Improvement — To update and implement improved curriculum, including applied academics, workplace readiness and technology education, to meet the challenges of new technology in an increasingly complex society.

(6) Professional Technical Instruction and Counselor Training — To upgrade the counseling skills of counselors and professional technical teachers and provide pre- and inservice training for professional technical instructors and counselors to meet the challenges of new technology in an increasingly complex society.

(7) Student Leadership Development — To provide secondary and community college students with activities and experiences designed to develop leadership and citizenship skills.

(8) America's Choice Development — To develop and implement secondary education reform including elimination of the general studies program, development of Certificate of Mastery, development of professional technical curriculum and provision of professional structured work experience for technical students.

(9) Business Internships — To provide secondary and community college professional technical and academic instructors with internship experience in business or industry.

(10) Structured Work Experience — To require students engaged in professional technical education programs to engage in progressively more significant structured work experience.

(11) Literacy Line — To continue the literacy line to provide information and referral services for literacy development statewide.

(12) Service and Math Education — To develop a plan and establish pilot projects to extend the Industry Initiatives for Science and Math Education programs statewide.

Stat. Auth.: ORS Ch. 961, 909 & 1087
Stats. Implemented: ORS O.L. 1991, Ch. 667
Hist.: EB 29-1989(Temp), f. & cert. ef. 10-20-89; EB 8-1990, f. & cert. ef. 1-26-90; EB 29-1991, f. & cert. ef. 12-4-91; EB 4-1992, f. & cert. ef. 2-21-92

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Administrative Requirements

581-44-110 The following administrative requirements apply to all programs specified in OAR 581-44-100:

(1) Funds from the Workforce Development Fund may not be used to supplant current efforts of applicant agencies and project collaborators.

(2) Any instructional or support program developed or improved with these funds must be continued after the funded effort is completed.

(3) The state will approve priority projects for funding that meet the required criteria and which, in total, assure reasonable geographic distribution of workforce monies. At least one-third of the funds shall be used in nonurban areas of the state and at least one-third within the urban growth boundaries of Portland, Salem, Keizer, and Eugene.

(4) Funds requested, with the exception of OAR 581-44-100(10) Science and Math Education, must be matched on a dollar-for-dollar basis. Matching funds must directly contribute to the attainment of the workforce development proposed. The Oregon Department of Education may exempt an applicant from 100 percent matching requirement when it determines that the applicant is undergoing economic hardship and that the purpose of the act will be more readily accomplished by the lower matching requirement. The total amount of exemptions provided applicants will not exceed 25 percent of the amount reserved for a program. Qualified match is:

(a) Any cash contribution from a local agency, private business or organization, foundation, or other collaborating party;

(b) Fair market value of any third-party contribution of equipment, supplies, services, and technical assistance;

(c) In-kind provision of services, facilities, and other items which contribute directly to the implementation of the program.

(5) The Oregon Department of Education reserves the right to negotiate the scope and costs and funding source of proposed activities with those applicants preliminarily selected for funding.

(6) Proposed activities must be coordinated with other programs of the Workforce Act and with existing professional technical education programs.

Stat. Auth.: ORS Ch. 961, 909 & 1087
Stats. Implemented: ORS O.L. 1991, Ch. 667
Hist.: EB 29-1989(Temp), f. & cert. ef. 10-20-89; EB 8-1990, f. & cert. ef. 1-26-90; EB 29-1991, f. & cert. ef. 12-4-91; EB 4-1992, f. & cert. ef. 2-21-92

[ED. NOTE: The text of Temporary Rules is not printed in the Oregon Administrative Rules Compilation. Copies may be obtained from the adopting agency or the Secretary of State.]

Eligibility

581-44-120 The following shall be the eligible applicant(s) for each of the workforce programs:

WORKFORCE PROGRAMS	APPLICANTS
2+2 Tech Prep Programs, Secondary Professional Technical Equipment, Business Internships, and Structured Work Experience	Regional Vocational Technical 2+2 Consortia through designated fiscal agent(s) (i.e., education service districts, community colleges, and public school districts)
Advance Technology Centers and Community Based Skill Centers	Community Colleges
Student Leadership Development	Education service districts, community colleges, and public school districts

Professional Technical Curriculum Improvement	Education service districts, public school, districts, and community college districts
Professional Technical Instructor and Counselor Training	Education services districts, public school districts, community colleges, and OSSHE institutions
America's Choice Development Sites	School districts for secondary schools with an established 21st Century School Council
Science and Math Education	Business Education Compact of Washington County in cooperation with school districts, community-based organizations and business and industry
Literacy Line	Portland Community College

Stat. Auth.: ORS Ch. 961, 909 & 1087
Stats. Implemented: ORS O.L. 1991, Ch 667
Hist.: EB 29-1989(Temp), f. & cert. ef. 10-20-89; EB 8-1990, f. & cert. ef. 1-26-90; EB 29-1991, f. & cert. ef. 12-4-91; EB 4-1992, f. & cert. ef. 2-21-92

[**ED. NOTE:** The text of Temporary Rules is not printed in the Oregon Administrative Rules Compilation. Copies may be obtained from the adopting agency or the Secretary of State.]

General Criteria for Grant Awards

581-44-130 (1) The Oregon Department of Education shall establish a request for proposal solicitation and approval process to be conducted each biennium for which workforce development funds are available. The Department will notify eligible applicants of proposal process and due dates, and make available necessary guidelines and application forms.

(2) All proposals shall be reviewed by the Department of Education, Office of Professional Technical Education, Office of Community College Services, and the Economic Development Department and representatives of other appropriate agencies and organizations. Grant awards will be made by the State Board of Education upon recommendation of the State Superintendent of Public Instruction and Commissioner of Community Colleges.

(3) All proposals must comply with matching, geographic and other requirements of the Act and must adhere to the guideline of the Oregon Economic Development Department for workforce programs. Grants shall be awarded based on the following generally applicable criteria:

(a) There is a clear indication of the economic and social need for the program and the educational benefits which will result;

(b) The program will serve to increase enrollment in secondary, postsecondary, and apprenticeship programs which provide skills for employment in careers leading to family-wage jobs;

(c) The program demonstrates potential to teach a higher-level of academic and technical skills to all students, thereby increasing the knowledge and improving the skills of Oregon's workforce, and meeting established or development industry standards;

(d) There are plans to actively recruit and prepare disadvantaged, minority, women, chronically unemployed and underemployed, and other at-risk youth and adults for enrollment;

(e) There is coordination of activities and resources between secondary and community college programs and with JTPA, private vocational schools, welfare, employment, apprenticeship, and other employment training and service providers, councils, commissions, and boards;

(f) The program seeks the input, direction, and advice of state and local economic development planners and is in accord with one or more local and/or state economic development coordination strategies of the Workforce 2000 Economic Development Department Plan;

(g) The business industry, and labor communities are actively involved in program development and implementation;

(h) There is evidence of intent from education and job trainers, business, labor, and the community that programs implemented or improved will be continued;

(i) There are provisions for follow up of students/staff, evaluation of program results, and reporting of program results.

Stat. Auth.: ORS Ch. 961, 909 & 1087
Stats. Implemented: ORS O.L. 1991, Ch. 667
Hist.: EB 29-1989(Temp), f. & cert. ef. 10-20-89; EB 8-1990, f. & cert. ef. 1-26-90; EB 29-1991, f. & cert. ef. 12-4-91; EB 4-1992, f. & cert. ef. 2-21-92

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Program Specific Criteria

581-44-140 In addition to the general criteria set out in OAR 581-44-130, program-specific criteria which must be met include:

(1) Advanced Technology Centers (ATC):

(a) Lab, building, or worksite facilities are conductive to advanced technology programs, applied research, and technology transfer;

(b) Equipment for the center is state of the art or beyond;

(c) The center represents new activity for the college or a clear extension or expansion of a current activity;

(d) The center clearly fills a need that is not being met by the college or other service provider;

(e) Staff must be hired or contracted through the center.

(2) Community-Based Skill Centers:

(a) Area economic, business, industry, and labor representatives have been involved in program design and evaluation;

(b) There is cooperative planning and linkage to appropriate local alternative schools/programs, community college developmental education centers, Adult and Family Services, JTPA, apprenticeship, labor, and other service providers;

(c) Facilities are accessible to the populations to be served;

(d) Instruction includes applied basic skills, life skills, career planning, personal development, and preemployment training;

(e) The skills center represents a new activity for the college or a clear extension or expansion of a current activity;

(f) There are adequate provisions made for child care, transportation, and other support services;

(g) The center provides training programs of varying lengths which reflect the needs of the clients and specific job opportunities;

(h) Skill training centers shall provide:

(A) Intensive instruction and support for youth to achieve high academic standards;

(B) Training and support services to prepare unemployed, underemployed and dislocated workers and homemakers for participation in a competitive society.

(i) At least one center shall include a component for training older workers who have left the job market and wish to return;

(j) An overall plan for skill training centers will be proposed by the Office of Community College Services in consultation with community colleges in the state.

(3) 2+2 Tech Prep Programs:

(a) The program results in new, expanded, or improved connected and coordinated professional technical instructional programs;

(b) There is process for adjusting priorities to meet unanticipated economic development needs;

(c) The program leads to development of 2+2 tech prep model programs;

(d) There is integration of academic studies with professional technical connected programs;

(e) Structured work experience is an integral part of all appropriate programs.

(4) High School Professional Technical Equipment:

(a) Funds are used for equipment purchases for professional technical approved programs which are directly tied to preparing students for technology-related jobs;

(b) Equipment is purchased based on a long-range program improvement plan for upgrading equipment or as a result of a recent program assessment/evaluation;

(c) The equipment purchases will promote serving needs of disadvantaged and at-risk youth;

(d) The equipment can be shared regionally, among schools, with the community college, or other training providers;

(e) The equipment will have a significant impact in the district/region.

(5) Professional Technical Curriculum Improvement:

(a) There is evidence of commitment for up-to-date employer-based, competency-based curriculum, and the development of applied academic courses;

(b) Available curriculum has been sought and reviewed for its adaption/adoption potential before new development efforts were instigated;

(c) There is a regional/district-wide plan for inservicing staff to use the new curriculum.

(6) Professional Technical Instructor and Counselor Training:

(a) Programs will be developed in cooperation with the OSSHE;

(b) The strategy of peer counseling will be taught;

(c) The focus of counseling skill training will follow the National Career Development Guidelines. Special attention will be given toward helping individuals;

(d) The preservice activities will result in improved structure to train secondary and community college professional technical instructors, particularly in trade and technical education, technology education, business and office education, marketing education, and in the development of applied academics curriculum.

(7) Student Leadership Development:

(a) There is indication that vocational student organization activities and vocational skills contested are an integral part of instructional activities for vocationally approved programs;

(b) The program ensures that local chapters are chartered through the state association and follow polices adopted by the association's board;

(c) Skills contests are planned and implemented in cooperation with the regional professional technical education coordinator or a state vocational student leadership association;

(d) There is evidence of activities designed to develop team-building skills and utilize students in a peer-teaching or coaching capacity wherever possible.

(8) "America's Choice" Developmental Sites:

(a) School district sites must have or initiate a 21st Century School Council. The 21st Century School Council is a body composed of teachers, classified district employees, administrators, parents and others, specified by ORS 336.745, for the purpose of designing, sponsoring, and administering local professional growth and career opportunity programs;

(b) Sites may serve students from single or multiple school districts;

(c) Programs may use extended days in the week or an extended schedule;

(d) Qualified persons from private agencies may be used as staff if noncertified personnel receive waivers by TSPC.

(9) Business Internships:

(a) The region/district has a plan for inservicing teachers and counselors to prepare them for business and industry internships. (The inservice should include a program orientation and procedure to assess the participant's skills and needs. An internship plan needs to be developed for an individual, noting strategies for approaching target industries in order to set up the internship.);

(b) There is an identified process to assess worksite performance and employer and participant feedback;

(c) An instructional program improvement plan will be developed and implemented to reflect current industry standards learned during the internship.

(10) Structured Work Experience:

(a) The program serves regional and multiple institution needs;

(b) The program provides direct relationship to the student's program of studies and attainment of individual career or occupational goals;

(c) There is evidence of an adequate number of students to be served and reasonable projected average training costs per students;

(d) Structured work experience shall be an integral part of 2+2 Tech Prep programs.

(11) Literacy Line Service:

(a) Ongoing operation through the Office of Community College Services shall be continual;

(b) Information providing and referral service for literacy education shall be provided.

(12) Science and Math Education Program:

(a) The programs shall follow the plan to extend the Industry Initiative for Science and Math, cooperatively developed by the Business Education Compact of Washington County and the Oregon Department of Education;

(b) Pilot projects shall be established which will replicate and extend the Washington County initiative statewide;

(c) Workforce programs shall compliment other professional technical curriculum improvement, instructor and counselor training and the 2+2 Tech Prep Program;

(d) The programs shall follow the plan for developing math and science courses of study.

Stat. Auth.: ORS Ch. 961, 909 & 1087
Stats. Implemented: ORS O.L. 1991, Ch. 667
Hist.: EB 29-1989(Temp), f. & cert. ef. 10-20-89; EB 8-1990, f. & cert. ef. 1-26-90; EB 29-1991, f. & cert. ef. 12-4-91; EB 4-1992, f. & cert. ef. 2-21-92

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Youth Apprenticeship

581-44-200 (1) Students shall be considered for youth apprenticeship training after having been enrolled in, and having completed, an 18-week Career Exploration program that includes:

(a) Completion of basic skill and work place readiness skills;

(b) Participation in job site visits or structured work experience in employing apprenticeable occupations;

(c) Participation in an industry sponsored and delivered career presentation;

(d) Any other requirements jointly established by the apprenticeship committee and the school district.

(2) Youth Apprenticeship students shall maintain regular attendance as defined in ORS 339.065 in school courses and required related training, and complete their high school requirements as set forth in OAR 581-22-316.

Stat. Auth.: OL 1991, Ch. 859
Stats. Implemented: ORS 344.745
Hist.: EB 17-1992, f. & cert. ef. 5-13-92

DIVISION 45

PRIVATE VOCATIONAL SCHOOLS

[**ED. NOTE**: The following Administrative Orders relating to Private Vocational Schools were previously adopted by the Department of Education: 1EB 17 and 18, filed 1-19-60; 1EB 58, 59, 60, 61, filed 1-26-61; 1EB 64, filed 2-9-61; 1EB 66, filed 6-22-61; 1EB 73, filed 10-2-61; 1EB 110, filed 3-30-64; 1EB 115 and 116, filed 7-21-66; 1EB 118, filed 11-28-67; 1EB 119, filed 7-19-68; 1EB 122, filed 7-29-70.]

Definitions

581-45-001 The following definitions apply to OARs 581-45-006 through 581-45-210, unless otherwise indicated by the context:

(1) “Advertising” means any form of public notice used in recruiting and promoting activities, however disseminated, including but not limited to catalogs and other school publications, signs, mailing pieces, radio or television ads, audiovisual material, and computer networks on behalf of a licensed school.

(2) “Agent” has the meaning given in ORS 345.010(1).

(3) “Approved” means accepted by the State Board of Education or by the Superintendent in matters relating to school licensing requirements.

(4) “Assessment” means a written, oral, and/or hands-on evaluation of an applicant’s aptitude for being successful in a professional technical program.

(5) “At-risk” means the school demonstrates a pattern or history of one or more of the following conditions which the Superintendent determines may cause potential serious problems for the continued successful and profitable operation of the organization:

(a) Failure to meet the standards of financial responsibility;

(b) Misrepresentation;

(c) Frequent substantiated complaints filed with the Department;

(d) A decrease in enrollment from the previous reporting period of 50 percent or more or 25 students, whichever is greater;

(e) Staff turnover from the previous reporting period of 50 percent or more or three staff, whichever is greater;

(f) Conditions listed in subsections (5)(d) and (e) of this rule, caused by unusual circumstance or reason, shall be evaluated by the Superintendent and exceptions may be granted.

(6) “Auxiliary facility” means a facility that:

(a) Does not use or list its address as a school location; and

(b) Absorbs a temporary overload which the principal facility cannot accommodate; or

(c) Provides a specialized training facility away from the principal school location; or

(d) Provides training under contract with a public agency that is not open to general enrollment.

(7) “Barbering” has the meaning given in ORS 690.005.

(8) “Board” means the State Board of Education.

(9) “Bona fide organization or group” means any body or entity which is nationally chartered or recognized by a national or state educational/occupational policy board which has operated or functioned in good faith without fraud or deceit for at least 25 years.

(10) “Chairperson” means the person who is responsible for overseeing the business of the advisory committee.

(11) “Class” means a scheduled meeting of persons for instructional purposes.

(12) “Clinic lab” means a place where students perform assigned instructional tasks identified in the approved curriculum on models or the general public.

(13) “Completion” means the student has satisfactorily finished all the requirements of the program in which enrolled, has fulfilled the terms of the enrollment agreement and has been awarded an appropriate certificate, diploma or completion document.

(14) “Continuing education” means the enrollment in and completion of ongoing, Department approved instruction, outside the normal teaching schedule, which upgrades a teacher’s skills and knowledge with the intent of making the teacher more proficient and current in subject matter taught.

(15) “Course” means an aggregation of classes to achieve a completed set of competencies.

(16) "Department" means the Oregon Department of Education.

(17) “Distance learning instruction” means education provided by written correspondence or any electronic medium for students enrolled in a private career school in pursuit of an identified occupational objective, but not attending classes at an approved school site or training establishment.

(18) “Enrollment” means a student agrees to the purchase of a course or program of instruction from a school and signs an enrollment agreement, instrument or note, however named, which commits both the student and the school to a legal and binding obligation.

(19) “Facial technology” has the meaning given in ORS 690.005.

(20) “Fund” means the private career school Tuition Protection Fund (TPF).

(21) “Hair design” has the meaning given in ORS 690.005.

(22) "License" means a license to operate a private career school.

(23) “Nail technology” has the meaning given in ORS 690.005.

(24) “On-site review” means a visit to the school by authorized Department staff who may review the facilities, classrooms, and school records, talk with students, staff and administrators, and determine whether the school is in compliance with Oregon law.

(25) “Operating/operation” means any form of marketing, advertising, instruction, recruitment, or any other activity regulated under ORS Chapter 345 and OAR Chapter 581, Division 45.

(26) “Placement” means the student has been employed in the occupation for which trained.

(27) “Prelicense” means schools offering prelicense courses or programs in real estate, real estate appraisal, income tax preparation and insurance.

(28) “Probation” means that a school has been officially notified by the Superintendent that it has deficiencies that must be corrected within a

specified time.

(29) "Program" means an aggregation of courses to meet an identified occupational objective.

(30) "Program advisory committee" means a representative group appointed by the school, consisting of three or more representatives from business and industry, other than the school, who advise the school ownership and administration.

(31) "Program improvement plan" means a written outline or plan designed to describe how the school will resolve or comply with violations of state rule or regulation assessed by the Superintendent and/or correct any deficiencies identified by the Superintendent.

(32) "Recruiting" means personally soliciting or attracting a person or persons by a school or its agent(s) with the intention of actively pursuing enrollments in the school. Recruiting does not include leaving materials at or near an office or other site for a person to pick up of his or her own accord or handing a brochure or other materials to a person.

(33) "Registration" means the process by which directors, agents or teachers either request registration by the Superintendent to teach at the school or notify the Superintendent of their appointment to represent the school.

(34) "Registration fee" means any fee, however named, covering those expenses incurred by a school in processing student applications and establishing a student records system and so identified on the student enrollment agreement.

(35) "Reporting period" means the period from July 1 of one year to June 30 of the next year on which schools shall base all student placement and program records and reports that must be submitted to the Department. The school's fiscal year may be for the same period, the calendar year, or some other 12-month time period.

(36) "Resident instruction" means education provided at an approved school site or training establishment for students enrolled in and attending classes at the school facility in pursuit of an identified occupational objective.

(37) "Revoke" means the Superintendent terminates the school license. When the license is revoked, the school is not authorized to continue operating. Probation or suspension may, but is not required to, precede revocation.

(38) "School" has the meaning given in ORS 345.010.

(39) "State advisory committee" means a representative, statutory advisory committee appointed by the Superintendent of Public Instruction, and consists of members who shall serve for terms of three years ending June 30.

(40) "Structured work experience or externship" means a worksite educational activity which correlates the value of classroom training and on-site job performance, is an integral part of the student's training plan and is supervised/evaluated by appropriate school personnel.

(41) "Superintendent" means the State Superintendent of Public Instruction or qualified designee.

(42) "Suspend" means the Superintendent has notified a school that because of deficiencies, it may not advertise, recruit, enroll students, or begin instruction of new students, but may remain open to complete training of currently enrolled students. Probation may, but is not required to, precede suspension.

(43) "Teachout" means a defaulting school makes provision for students enrolled at the time of the default to complete a comparable program at another institution at no additional cost beyond the original enrollment agreement with the defaulting school. Teachout arrangements shall be approved in advance by the Superintendent and, if ongoing, approved annually by the Superintendent.

(44) "Transcript" means a written record that shall include, but is not limited to, name and address of student, first and last date of attendance, all programs or courses undertaken, grades achieved, and whether the courses or programs were successfully completed.

(45) "Tuition" means money or other compensation paid or credited to a school by a student or on behalf of a student which is applied to the costs of instruction and training actually received or to be received by the student.

Stat. Auth.: ORS 345.010
Stats. Implemented: ORS 345.030 & 345.325
Hist.: 1 EB 31-1986, f. & ef. 7-23-86; EB 11-1990, f. & cert. ef. 2-1-90; EB 13-1996, f. & cert. ef. 7-26-96

License Fees

581-45-002 (1) Before issuing a license under ORS 345.010 to 345.470, the Superintendent shall collect license fees based on the license fee schedule in ORS 345.080.

(2) The initial license fee will be based on the fourth step of the license fee schedule. Thereafter, the renewal license fee will be computed on the basis of the previous fiscal or calendar year's total gross tuition income.

(3) Total gross tuition income includes all direct tuition charges including any laboratory fee. Total gross tuition income does not include tuition refunds or registration fees and costs for books, supplies, tools and equipment purchased by students.

(4) The renewal license fee for out-of-state schools as defined in OAR 581-045-0006(11) shall be computed on total gross tuition income received from students recruited and enrolled from Oregon.

(5) All license fees are nonrefundable.

Stat. Auth.: ORS 345.080
Stats. Implemented: ORS 345.080
Hist.: EB 13-1996, f. & cert. ef. 7-26-96

Application for Private Career School License Renewal

581-45-004 (1) Each school shall annually renew its license. At least 30 calendar days prior to the anniversary date of its license, the school must file with the Department a completed application for license renewal, including a current financial statement, certified true and accurate by the chief administrative officer of the respective school. Any statements or materials on file which are no longer accurate must be amended on the application.

(2) An application for renewal of license shall be considered late if not postmarked (or date stamped if hand delivered to the Department) before or on the expiration date of the most current license. A late fee may be imposed by the Superintendent as allowed under ORS 345.995 and OAR 581-45-190(5)

for each calendar day the renewal application is late. Such fees, where applicable, shall be included with the renewal application.

(3) The Superintendent may invoke immediate suspension or license revocation when a school fails to submit the application for license renewal within 30 calendar days after the license anniversary date, or if submitted, it does not include accurate and complete materials necessary for license renewal. The Superintendent shall notify a school that its license is suspended and that it may request a contested case hearing by following the process described in ORS 183.413-497.

(4) License renewal may be denied if the Superintendent determines that:

(a) The school's license has been suspended; or

(b) The school is on probation and not making satisfactory progress to comply with all provisions of the program improvement plan. In such cases a school shall be granted a hearing, if requested, within 20 calendar days of the date of denial.

(5) The Superintendent may conditionally approve a license renewal providing a school agrees to a program improvement plan acceptable to the Superintendent.

Stat. Auth.: ORS 345.030
Stats. Implemented: ORS 345.030
•Hist.: EB 13-1996, f. & cert. ef. 7-26-96

Application for School License

581-45-005 [1EB 118, f. 11-28-67, ef. 12-25-67; 1EB 131, f. 5-19-72, ef. 6-1-72; Repealed by 1EB 257, f. 1-3-77, ef. 7-1-77]

Application for Private Career School License

581-45-006 (1) Any person, partnership, association, or corporation desiring to function as a private career school as defined in ORS 345.010(10) shall submit an original application for its first approval year on forms provided by the Department. No person, partnership, association or corporation shall hold itself out to be a school, solicit students or collect fees prior to the date of the license.

(2) An initial site inspection may be required prior to approval of the application. Any deficiencies must be corrected prior to issuance of a license.

(3) A license may be denied by the Superintendent for failure to submit accurate and complete materials required by the application, or for other substantiated just cause.

(4) A separate license shall be required for each location of a school except those approved by the Superintendent as auxiliary sites. A license for the specific location must be issued prior to operating at that location.

(5) An initial license shall be approved or denied within 30 calendar days after:

(a) Receipt of a complete application by the Superintendent;

(b) Completion of an interview and examination with the Department's designee for private career schools; and

(c) Attendance at prospective owner's workshop.

(6) Each license shall be issued to the owner of an applicant school and shall be nontransferable. In the event of a change of ownership of a school and when continuous operation is desired, the buyer must apply for and obtain approval of a new license prior to the completion of the sale. Failure of the seller to notify the Department within 30 days prior to completion of the sale may result in the imposition of civil penalties established in OAR 581-45-190. The current owner (seller) must inform the Department in writing no less than 30 calendar days prior to completion of the sale as to who:

(a) Will acquire the school's assets, which are directly related to the school's educational activities;

(b) Will assume liability on the date the school is sold for the outstanding debts incurred as a direct result of the school's educational activities under previous ownership;

(c) Has authority to make all refunds which on the date the school is sold, may be due to eligible persons; and

(d) Has agreed to honor all student contracts with eligible persons that were signed or approved by the school's authorities before the effective date of the change of ownership.

(7) Before an individually-owned (commonly referred to as a sole proprietorship) or partnership-owned school elects to incorporate or when there are changes in existing ownership that affect financial control of the school, the Superintendent shall be notified in writing, and a new license shall be required. Such notice shall occur at least 30 calendar days prior to the ownership change. Control is affected when a new party or entity assumes ownership of more than 50 percent of the school's net worth. Instances in which control is affected and a new license is required include but are not limited to the following examples:

(a) Owner(s) sells more than 50 percent to another party;

(b) Partner(s) owning less than 50 percent buy out the other partner(s) interest; and

(c) The type of ownership is changing (i.e., individual (sole proprietor), partnership or corporation).

(8) Request for confidentiality regarding the purchase/sale of a school will be honored by the Department in accordance with the public records law.

(9) The initial application shall include:

(a) The name and address of the school, the names and addresses of its owners, governing body, officials and faculty with attendant qualification forms;

(b) Course syllabi as required by OAR 581-45-011(1) (a)(C)(iii);

(c) School facility description as required by OAR 581-045-0011(1)(a)(C) (iv);

(d) Enrollment agreement (contract) information and procedures, including a copy of the contract or enrollment agreement;

(e) A description of guidance and placement information provided students;

(f) A statement of school policies and regulations relating to admissions standards, enrollment and entrance dates (including assessment and testing procedures);

(g) A statement of school policies relating to attendance, leaves of absences, makeup work, tardiness, interruptions, terminations, reentry, grading methods and reporting, student conduct and credit for previous training;

(h) The structured work experience (SWE) or externship agreement form when and if part of the program;

(i) Information relating to tuition charges and all other fees or costs;

(j) Policy of the school relating to cancellations and refunds of unused tuition, fees and other charges. The policy must be consistent with the schedules established by OAR 581-45-026, 581-45-027 and 581-45-028;

(k) A written plan designed to protect the contractural rights of students in the event the school closes or undergoes a change of status as described in OAR 581-45-031;

(l) Labor market information showing current employment, replacement and expansion data for regional, state and national labor markets for the occupational area being served;

(m) The school calendar;

(n) The signature of authorized officials of the school including each owner, partner or member of the board. If the institution is incorporated, each owner of ten percent or more of stock must sign. If the institution is incorporated and the stock is publicly traded through a stock exchange, the president or chief executive officer of the corporation must sign. If the applicant is a nonprofit corporation, each member of the governing body must sign;

(o) Full disclosure by owners, directors and teachers of any conviction or crime referenced under OAR 581-45-011(2)(b);

(p) If information required by subsections (9)(a)-(m) of this rule is provided in the school catalog, references to catalog and page number will be acceptable.

(10) The application shall be accompanied by:

(a) The nonrefundable license fee required by ORS 345.080 (see OAR 581-45-002);

(b) The initial capitalization payment for the student tuition protection plan required by ORS 345.110;

(c) A complete resume of education and work experience for the school owner(s), corporate officer(s), school director and teachers, including social security number, date of birth, and home address and telephone numbers;

(d) A draft of the proposed school catalog or brochure required by OAR 581-45-021;

(e) A copy of proposed advertising and promotional information to be used by the school;

(f) Copies of program materials as prescribed by OAR 581-45-011(1)(c);

(g) All inspection documents required by OAR 581-45-011(4)(b);

(h) Copies of incorporation certificates, if applicable;

(i) A financial statement which provides information required by OAR 581-45-016. The financial statement shall be kept confidential within the limits permitted by the public records law;

(j) An enrollment agreement which is legally binding on both the school and the student. Schools implementing program changes cannot require students who are currently enrolled to complete the requirements of the revised program. Enrolled students are to be taught out under the program identified in their most current signed enrollment agreement. Exceptions may be allowed when and if the school and student mutually agree to the program change(s) and a new or amended enrollment agreement is negotiated, accepted and signed by the student and school. Examples of program changes as used in this rule include, but are not limited to, increase or decrease of hours required, changes in the schedule of hours of instruction, adding or dropping required courses, increasing program costs or fees, changes in the payment plan and/or adapting the program to accommodate implementation of some or all components of the Oregon Education Reform Act. The enrollment agreement shall include, but is not limited to, a description of the instructional program in which student is enrolled, beginning and ending dates, length of program; registration fee, tuition, all other costs listed separately; installment payment plan, if available, the state-specified refund schedule or one approved by the Superintendent as being more favorable to the students, a clear and conspicuous disclosure of the student's cancellation rights, and a statement informing students who have questions regarding the enrollment agreement that they may contact the Oregon Department of Education at the Public Service Building, 255 Capitol Street NE, Salem, Oregon 97310-0203 or by calling (503) 378-5810; and

(k) All other information not listed in subsection (10)(j) of this rule may be published in the current school catalog or catalog addendum. However, the school must maintain documentation signed by the student to substantiate that each student has received and read all information contained in subsection (10)(j) of this rule.

(11) Out-of-State Schools:

(a) Any private career school whose principal place of business is outside of Oregon shall obtain an Oregon private career school license whenever it maintains a physical presence in Oregon;

(b) The Superintendent may consider the following factors to determine whether a school has established a physical presence in Oregon:

(A) Maintains an office in the state;

(B) Employs sales representatives who reside or solicit students within the state;

(C) Canvasses for prospective students within the state;

(D) Operates career or information booths at fairs or other such public gatherings within the state;

(E) Presents school information at high school career days within the state; or

(F) Advertises in local media that originate in Oregon.

(c) Out-of-state schools, at initial application, shall submit enrollment, placement and retention data for all students enrolled during the most recent annual operation period completed. Thereafter, they shall be required to submit the data for Oregon students only;

(d) Out-of-state schools making application for licensure in Oregon shall comply with all requirements of this rule (581-45-006).

Stat. Auth.: ORS 345.030

Stats. Implemented: ORS 345.030

Hist.: 1EB 257, f. 1-3-77, ef. 7-1-77; 1EB 23-1978, f. 6-30-78, ef. 7-1-78; 1EB 30-1986, f. & ef. 7-23-86; EB 11-1990, f. &

cert. ef. 2-1-90; EB 32-1991, f. & cert. ef. 12-18-91; EB 13-1996, f. & cert. ef. 7-26-96

[**ED. NOTE:** The text of Temporary Rules is not printed in the Oregon Administrative Rules Compilation. Copies may be obtained from the adopting agency or the Secretary of State.]

Further Requirements of Applicants for Vocational School License

581-45-010 [1EB 118, f. 11-28-67, ef. 12-25-67;
1EB 131, f. 5-19-72, ef. 6-1-72;
1EB 202, f. 7-1-75, ef. 9-1-75;
Repealed by 1EB 257,
f. 1-3-77, ef. 7-1-77]

Standards for Licensing and Renewal of Private Vocational Schools

Standards for Licensing and Renewal of Private Career Schools

581-45-011 (1) Instructional Program and Services:

(a) All schools shall:

(A) Offer programs of study sufficient in quality, content and duration, and with adequate facilities, instructional material, equipment and staff to enable students to develop occupational skills currently necessary to fulfill the stated occupational objective of the program;

(B) Develop and conduct occupational and educational training programs with the advice and assistance of appropriate program advisory committees except when a course of study, program or curriculum is regulated, approved or certified by a state agency other than the Department. Each committee shall be composed of not less than three members, knowledgeable in the occupational area being offered by the school and who are not employees of and have no financial interest in the school and who are not related to the owner(s) or administrator(s):

(i) A list of the program advisory committee members and a resume of each shall be furnished to the Superintendent. The list and resumes shall include each member's name, address, telephone number, present occupation and training experience;

(ii) The membership of the program advisory committee shall include:

(I) At least three members employed in the occupation served by the program, one of whom shall be employed or working in a supervisory capacity; and

(II) Each of the three members required by paragraph (1)(a)(B)(ii)(I) of this rule shall have at least five years experience in the occupation or industry. Other members having less experience may be added to the committee as desired.

(iii) All program advisory committees must officially meet at least one time per year to review school policies, facilities, instructional materials, equipment, curriculum standards and technical updating. The program advisory committee shall meet to evaluate all new proposed program offerings and whenever the school proposes major revisions in existing programs. At least one such meeting per year shall be at the school. Minutes of all program advisory committee meetings shall be on file in the school office. A copy of the committee findings or recommendations, if any, shall be included with the annual license renewal application. If the school's report of enrollments, completions, retentions and placements, as prescribed in paragraph (1)(g)(A) of this rule, does not provide information that the school is meeting the provisions of ORS 345.325, the Superintendent may call for the school to convene the program advisory committee(s) for program evaluation(s) as prescribed by paragraph (1)(a)(B)(iii) of this rule.

(C) Prepare for each program advisory committee's review, evaluation and analysis:

(i) A clearly stated program educational or professional technical objective;

(ii) A program outline indicating each unit of study, including skills to be taught and approximate number of clock or credit hours allowed for each unit;

(iii) A teaching syllabus or guide for the program of study, copies of instructional materials used by the students, and an inventory of instructional equipment and materials (including software) available to be used in the programs;

(iv) A description of the instructional area or facility with space allocations, equipment placement and teaching stations for each program appropriately indicated;

(v) A description of the entrance requirements and assessment process and tests used in the selection and placement of enrollees for the program;

(vi) Standards of progress, attendance and performance required of students in the program;

(vii) Labor market information as required in OAR 581-45-006(9)(l); and

(viii) A written plan including policies and practices for assisting graduates in obtaining full-time employment.

(b) The program advisory committee shall submit to the school and the Superintendent its analysis of the quality, content, duration and curriculum sequencing of the program of study, instructional materials, equipment and facilities provided to prepare the student in skills currently necessary for entry level employment in the occupation for which the program was designed;

(c) All program material prepared for the program advisory committee, as prescribed in paragraph (1)(a)(C) of this rule, will be filed with the Superintendent on request;

(d) The Superintendent may review:

(A) The school's program development procedures;

(B) The program advisory committee's involvement in program development; and

(C) The job placement plan submitted to the program advisory committee.

(e) The Superintendent will review the program advisory committee's analysis of the adequacy of the program and reject or accept the committee's findings. The Superintendent's written approval is required prior to commencement of any marketing, recruitment, enrollment or instructional activities;

(f) Applications for approval of instructional programs reflecting new technologies or occupations not currently being offered by any other private career school will, at the request of the submitting school, be held confidential by the Department to the extent permitted under ORS 192.501(2);

(g) The Superintendent may annually conduct desk and/or site reviews of all licensed schools and programs of instruction. Such annual review shall include a review of the completion and placement rates for the school Any school failing to maintain completion and placement rates, for each approved program, of at least 50 percent during its reporting period may be placed on probation for up to one full reporting period or such time as evidence submitted indicates that a 50 percent level of completion and placement is being achieved. The Superintendent may withdraw approval of any program that fails to maintain completion and placement rates of at least 50 percent of the average for two consecutive reporting periods. Unusual cause or circumstance will be considered by the Superintendent and possible exceptions granted:

(A) To satisfy this requirement, schools shall submit data annually to the Superintendent which identifies completion and placement rates for each approved program. Completion and placement rates shall not be reported in the aggregate. Completion and placement rates shall be computed by individual programs;

(B) Data shall be certified true and correct by the responsible school official; and

(C) Schools shall maintain worksheets/records that substantiate the annual completion and placement data submitted.

(h) The school's enrollments, completions, retentions and placements must be reported for the annual reporting period July 1 of one year to June 30 of the next year. Information must be submitted for all programs which were offered during the reporting period. The Superintendent may require the name, address, and telephone number of any or all graduates and employers accounted for in subsection (1)(h) of this rule for verification and reporting purposes, and the Superintendent may waive or modify all or part of the requirements in paragraphs (1)(h)(A)-(E) of this rule for schools offering prelicense courses. The annual report shall include:

(A) Number of all students enrolled by instructional program for the reporting period;

(B) Number of all student withdrawals by program during the reporting period;

(C) Number of all program completers by program for the reporting period and the number of graduates placed in the occupation or closely related occupation for which trained;

(D) Number of all students who took the state licensing exam for the reporting period, if applicable; and

(E) Number of students passing the state licensing exam for the reporting period, if applicable.

(2) Personnel: (Schools regulated by OAR 581-45-200 excepted.)

(a) A school shall establish and enforce specific written policies that set standards for qualification, supervision, evaluation and promotion of its faculty, including a professional development plan. These policies and plans shall set minimum requirements for the employment of faculty, including previous training and on-the-job experience in the subject area. They shall also set the minimum requirements for continuing education. A recommended minimum for continuing education is 30 hours during each three-year period;

(b) No licensed school shall be owned by or employ an individual who is not of good moral character and reputation:

(A) Upon review by the Department, the Superintendent may find a person not to be of good moral character and reputation when the person:

(i) Has been convicted of a felony or a misdemeanor which involves the illegal use, sale or possession of a controlled substance, or which involves any sexual offense or;

(ii) Has been convicted of offenses involving fraud or misrepresentation, or has committed fraud, misrepresentation, deceit or unfair, deceptive or unlawful trade practices regulated by the Oregon Unlawful Trade Practices Act (ORS 646.605-646.652).

(B) The Superintendent shall not make a finding that a person is not of good moral character and reputation solely for the reason that the person has been convicted of a crime, but shall consider the relationship of the facts which support the conviction and all intervening circumstances as they relate to the specific occupational standards and requirements.

(c) No licensed school shall employ a teacher whose registration is not approved by the Department or who does not meet the requirements of subsection (2)(b) of this rule. If the prospective teacher has been convicted of a crime listed in subsection (2)(b) of this rule, the Superintendent shall request a letter of recommendation from the employing school and the individual's most recent employer, parole officer or other appropriate professional source. The Superintendent shall fully consider such recommendation along with all other supporting materials submitted by the prospective teacher. All applications for approval of teachers shall:

(A) Be recorded on forms provided by the Department;

(B) Indicate the specific subjects the prospective teacher will teach;

(C) Be signed by the prospective teacher and the school director, except teachers regulated by OAR 581-45-200 need only the prospective teacher's signature; and

(D) Be accompanied by relevant official transcripts, letters, and documents which confirm that the teacher meets the minimum requirements listed in subsection (2)(e) of this rule.

(d) Directors must have at least two years of experience in either school or business administration, teaching or other experience directly related to their duties within the school's organization. The experience must have been within the last five years. Part-time experience will be allowed if the total hours equal the equivalent of two years of full-time experience. Full-time work experience is a minimum of 1,875 hours per year (37.5 hours per week times 50 weeks). Qualified persons who do not meet the criteria in subsection (2)(b) of this rule may be appointed as directors with prior approval by the Superintendent and with a letter as required in subsection (2)(c) of this rule;

(e) Teachers must hold all Oregon licenses, certificates and ratings, and successfully pass qualifying exams legally required for employment in the field in which they teach. All teachers must have at least two years of work experience or two years of formal education, or any combination of both, in the subject which they instruct. For new teachers the work experience must have been within the last five years. Part-time experience will be allowed if the total hours equal the equivalent of two years of full-time work experience. Full-time work experience is a minimum of 1,875 hours per year (37.5 hours per week times 50 weeks). This requirement shall not apply to teachers of a course or program which are regulated and approved by a state agency other than the Department;

(f) In emergency situations, not to exceed completion of the term, schools may hire substitute teachers who are the best qualified persons available. Under no circumstances shall students be allowed to substitute as approved teachers;

(g) If a school utilizes any form of teacher assistants, aides or trainees, it shall establish and maintain policies which set forth qualifications, duties, procedures for use of these personnel, and maintain a copy of these policies for review by the Department. Teacher assistants, aides and/or trainees shall:

(A) Not be used as substitutes or replacements for regular teachers;

(B) Work under the direct supervision of an approved teacher; and

(C) Evaluate students only under direct supervision of an approved teacher.

(h) The school shall have and implement written policies to promote improvement of teacher competency in their fields and in levels of performance in their teaching assignments. Also see subsection (2)(a) of this rule;

(i) The teacher's registration shall not be transferable from one school to another and shall terminate on cessation of the teacher's employment with the school. Exceptions to subsections (2)(e)-(i) of this rule include certified instructors of hair design, nail and facial technology and barbering.

(3) Recordkeeping:

(a) Schools must furnish each prospective or enrolled student, as appropriate, with the following:

(A) A copy of the school's most recent catalog/bulletin with any supplements and/or correction sheets prior to the time the applicant signs an enrollment agreement. This information must be currently on file with the Department of Education. Such information must comply with OAR 581-45-021, Standards for Advertising;

(B) A copy of the student's signed enrollment agreement;

(C) Periodic written progress reports at appropriate intervals for courses or programs in excess of six weeks, copies of which must be available in the student's files; and

(D) Upon satisfactory completion of instruction, appropriate educational credentials that shall include, but are not limited to, school name and location, student's name, specific program(s) taken, date of graduation or completion, and signature of the appropriate school official.

(b) Schools must obtain and keep on file statements signed by students at the time of enrollment certifying that they received the catalog or bulletin, the completed enrollment agreement and all other pertinent written material;

(c) Schools shall:

(A) Maintain individual classroom attendance and grades or progress reports for the student;

(B) Maintain student records in a format including but not limited to:

(i) Name and address of the school;

(ii) Legal name of the student;

(iii) Address;

(iv) Telephone number;

(v) Student identification number assigned by the school if any;

(vi) Social security number (if student signs disclaimer);

(vii) Date of birth;

(viii) Gender;

(ix) Race;

(x) Dates of attendance (beginning and ending dates);

(xi) Course or program of instruction;

(xii) Clock or credit hours;

(xiii) Grade for each subject;

(xiv) Graduated/completed (date and type of award); and

(xv) Reason the student left the school, if other than graduation.

(C) When and if requested by the Superintendent, paragraphs (3)(c)(B)(i) through (xv) of this rule shall be reported by manual or electronic readable means for each annual reporting period in a format to be prescribed by the Superintendent. The Superintendent may waive or modify all or part of these requirements for schools offering prelicense courses;

(D) Maintain all current student records in a safe, vault or file having a minimum one-hour fire safe rating unless duplicate records are kept in a safe location outside the school building. The address of locations outside the school building must be on file with the Department;

(E) Maintain transcripts of all former students that include the information described in paragraph (3)(a)(D) of this rule for a period of no less than 25 years from date of termination of enrollment. Transcripts must be stored under the same conditions as described in paragraph (3)(c)(D) of this rule;

(F) In addition to the information specified in paragraph (3)(a)(D) of this rule, include the following on all transcripts issued:

(i) Signature and title of certifying official;

(ii) Seal of the school, if any;

(iii) Date of issue; and

(iv) Statement indicating the school maintains records for a minimum of 25 years.

(G) Make an individual's records available to the student upon request. Availability of records shall comply with the "Family Educational Rights and Privacy Act" (Public Law 93-380 as amended by Public Law 93-568);

(H) Deliver to the Superintendent all permanent student records for safekeeping if the school should cease to operate;

(I) Develop and enforce standards of progress, attendance and performance and make such standards available to all students upon enrollment;

(J) Have samples of all preenrollment student evaluation devices used by the school available for the Superintendent's review for a period of not less than one calendar year following such use; and

(K) Have a copy of ORS chapter 345 (Private Schools) and OAR chapter 581, Division 45 (Private Career Schools), available for reference by its staff and students.

(4) Facilities:

(a) All schools shall demonstrate that their premises, including student housing, that is owned, maintained, used or approved by the school, are maintained in compliance with applicable city, county or state ordinances and laws relating to safety and health of persons on the premises;

(b) Safety and health inspection data required by OR-OSHA (ORS 654.010) and other applicable statute, ordinance or administrative rule shall be available for review by Department staff. All applicants for an initial license must have a fire inspection by appropriate city or county Fire Marshall's office prior to issuance of a license and all licensees must have an annual fire inspection if annual service is provided by applicable Fire Marshall's office. Schools must be clean, well maintained and provide good lighting and ventilation. Schools must arrange classrooms, equipment and demonstration areas to enhance instruction, provide sufficient storage, use prescribed containers for hazardous materials, and provide for safe and orderly classroom management for the type of educational programs offered;

(c) A school shall notify the Superintendent in writing at least 30 calendar days in advance of any change of its principal location or name. In the event of change of location, Department staff may inspect the new site. Deficiencies, if any, must be corrected in a timely manner for continued approval to operate in the new location. Failure to notify the Superintendent of name or address change may result in the imposing of civil penalties per OAR 581-45-190. An exception may be granted if the Superintendent determines a legitimate emergency or a circumstance exists which would prevent the school from complying;

(d) In the event of a school name change, the school shall submit to the Department legal documents from the Secretary of State's office which validate the name change.

(5) A school may withhold an official transcript, certificate of completion and/or diploma if the student has any outstanding debt owed to the school. Forms, letters, questionnaires, or other material printed or written for the purpose of debt collection must clearly and conspicuously state that they are used for the purpose of attempting to collect a debt or attempting to obtain information concerning a debtor. A school or its representative is prohibited from misrepresenting that:

(a) It is seeking information in connection with a survey;

(b) It has a prepaid package for the debtor;

(c) A sum of money or valuable gift will be sent to the addressee if the required information is furnished;

(d) Debts have been turned over to an attorney or an independent organization engaged in the business of collecting past due accounts; and

(e) It is a collection agency, unless the school or its representative is defined as such in ORS 697.020.

(6) Reporting Obligations:

(a) Schools must notify the Superintendent within 10 days of receipt of a notice from any source which involves legal action against the school;

(b) Schools must provide the Superintendent with a copy of any notice of warning, if such notice indicates the school is in immediate jeopardy of losing recognition from that agency, or any notice of suspension or revocation received from any national, regional or state accrediting and/or approval agency within 10 days of receipt of such notice. The school shall at the same time inform the Superintendent in writing of actions being taken to correct the deficiencies cited.

(7) The complaint process shall proceed in the following order:

(a) The student shall first try to resolve the problem with the school;

(b) If the preceding option is not successful, the student complaint about a school shall be written and submitted to the Department, and shall contain the following information:

(A) The complainant's name, address, and phone number;

(B) School name, address, and phone number;

(C) Nature of complaint, e.g., failure to refund tuition, misrepresentation, or other unfair business practice as specified in the law or rules;

(D) Facts detailing dates of attendance, termination date, date of occurrence, names, addresses and positions of school officials contacted, financial loss, if any, and any other pertinent information;

(E) An explanation of what efforts have been taken to resolve the problem with the school, if any, and;

(F) Copies of pertinent documents, such as the enrollment agreement, catalog and advertisements.

(c) After receipt of a complaint or other allegation that a school has failed or is failing to comply with the provisions of any laws or rules, the Superintendent shall investigate the facts surrounding the allegations;

(d) The Superintendent shall notify the complainant and the school of the findings resulting from the investigation;

(e) Subsections (7)(a),(b) and (c) of this rule do not limit the statutory authority of the Superintendent to investigate schools regardless of receiving allegations from the public;

(f) At the request of the Superintendent, complaints may be resolved with the assistance of such other parties as the Oregon State Scholarship Commission, Oregon Department of Justice, U.S. Department of Education, and other appropriate organizations and/or individuals.

(8) Inspection and Periodic Review:

(a) A school shall provide the Superintendent or qualified designee access to all information, records, physical facilities, school employees, and other parties (including advisory groups, administrators, students and graduates) as may be necessary to verify compliance with ORS Chapter 345 and OAR 581, Division 45;

(b) A school shall permit the Superintendent or designee to conduct an on-site review of the school with or without notice;

(c) A school located in Oregon may be inspected on an annual basis or as the Superintendent determines necessary;

(d) Schools may be reviewed to determine whether the school is adhering to its own policies and procedures and is providing its described programs and services; and

(e) Whenever an inspection or other investigation reveals lack of compliance with ORS Chapter 345 or OAR 581, Division 45, the Superintendent may officially notify the school by certified mail that the school has been placed on probation and send the school a report of deficiencies. When deemed appropriate the Superintendent may initiate immediate license suspension or revocation proceedings and schools will be provided due process through the provisions allowed in subsection (8)(e)(C) of this rule. If the Superintendent elects to place the school on probation, the school shall have 20 calendar days after date of notification to report on actions which have been taken to correct these deficiencies:

(A) The school's response shall indicate corrective action taken and/or a program improvement plan for correcting any remaining deficiencies;

(B) If violations cited are not corrected, or if a program improvement plan submitted to correct the violations is not acceptable to the Superintendent, the Superintendent shall send notice to revoke or suspend the school's license;

(C) The school may request a hearing within 20 calendar days of receipt of the Superintendent's notice to revoke or suspend the school's license; and

(D) A school whose license has been placed on suspension shall not be permitted to engage in any advertising, recruitment or student enrollment activities, or begin the instruction of any new students during the period of suspension.

[**Publications**: The publication(s) referred to or incorporated by reference in this rule are available from the Department of Education.]

Stat. Auth.: ORS 345.325, 345.400 & 345.995
Stats. Implemented: ORS 345.325
Hist.: 1EB 257, f. 1-3-77, ef. 7-1-77; 1EB 10-1979, f. & ef. 9-5-79; 1EB 14-1980, f. & ef. 5-7-80; 1EB 31-1986, f. & ef. 7-23-86; EB 9-1989(Temp), f. & cert. ef. 3-3-89; EB 11-1990, f. & cert. ef. 2-1-90; EB 40-1990, f. & cert. ef. 7-10-90; EB 13-1996, f. & cert. ef. 7-26-96

[**ED. NOTE:** The text of Temporary Rules is not printed in the Oregon Administrative Rules Compilation. Copies may be obtained from the adopting agency or the Secretary of State.]

Conduct Prohibited for Vocational School Applicants and Licenses

581-45-015 [1EB 118, f. 11-28-67, ef. 12-25-67;
1EB 131, f. 5-19-72, ef. 6-1-72;
Repealed by 1EB 257,
f. 1-3-77, ef. 7-1-77]

Standards for Financial Reporting

581-45-016 (1) All private career schools shall submit at initial licensing, and annually thereafter in conjunction with the license renewal, financial information reflecting the fiscal condition of the school at its start-up or at the close of its most recent fiscal or calendar year, whichever is applicable. For such purposes the information submitted shall conform to the following:

(a) At initial application for licensing, the school must submit a business plan based on the major goals of the school for the first two years of operation along with the methods and procedures for achieving the goals. Included as part of the plan will be an opening balance sheet. The school shall have sufficient capital to provide all the appropriate instruction, support and administrative services (including appropriate comprehensive general liability insurance), staffing, equipment and facilities. The Superintendent will use financial ratios found in such sources as "Almanac of Business and Industrial Financial Ratios," accrediting organizations, and other appropriate financial statistics to determine the sufficiency of the planned capital. The plan also shall include a projected income statement showing the projected income and expenses for each of the first two years of operation;

(b) In addition to the licensing requirements cited in subsection (1)(a) of this rule, financial requirements shall be based on a school's ability to fulfill its obligations to students, meet refund obligations, meet operational expenses and other financial obligations, and make the required contributions to the existing tuition protection fund;

(c) The financial report for license renewal shall be prepared in accordance with the Generally Accepted Accounting Principles (GAAP), Generally Accepted Audit Standards (GAAS), and Statements on Standards for Accounting and Review Services (SSARS) in effect on January 1, 1996. Such report shall cover the most recent annual accounting period completed. The balance sheet information must clearly show all assets, liabilities and net worth, while the income statement must clearly show the profit and/or loss for the fiscal or calendar year. Each school also must provide a cash flow statement showing its:

(A) Cash flow from operations;

(B) Cash flow used in investing; and

(C) Cash flow from financing activities.

(d) The information for license renewal must also show total instructional income and expense for the school for the preceding fiscal or calendar year and clearly identify gross tuition income from which license fees and tuition protection fund assessment will be computed. The amount of the tuition protection fund assessment required for an initial license will be computed on the basis of projected first year tuition income but shall not be less than a liability limit of $5,000;

(e) At the option of the school, the financial report may be in the format provided by the Superintendent;

(f) Each school must certify in its financial report that all refunds due students have been made and are not in default;

(g) In all instances, information supplied must be certified true and correct by the school owner or an authorized representative; and

(h) Schools that are accredited and offer students Title IV financial aid shall submit an audited financial report signed by an independent certified public accountant.

(2) If after analyzing a school's financial reports and records, the Superintendent determines the school is not financially responsible or that the school's records are incomplete or inaccurate, the Superintendent may require the school to submit within 75 calendar days of written notice:

(a) An audited financial report signed by an independent certified public accountant; and

(b) Its most recent federal and state income tax reports.

(3) The Superintendent may waive or modify all or part of the requirements in sections (1) and (2) of this rule for schools offering prelicense programs or

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courses.

Stat. Auth.: ORS 345.325(8)
Stats. Implemented: ORS 345.325
Hist.: 1EB 34-1978, f. & ef. 10-5-78; 1EB 30-1986, f. & ef. 7-23-86; EB 11-1990, f. & cert. ef. 2-1-90; EB 13-1996, f. & cert. ef. 7-26-96

Factors of Financial Responsibility

581-45-017 (1) To retain its license a school must demonstrate to the Superintendent that it is financially responsible under the requirements established in this rule.

(2) The Superintendent considers a school to be financially responsible only if it:

(a) Is able to provide the services described in its official publications and statements;

(b) Is able to provide the administrative resources necessary to comply with the requirements of this subpart;

(c) Is able to meet all of its financial obligations, including, but not limited to:

(A) Refunds that it is required to make; and

(B) Repayments to the U.S. Department of Education for liabilities and debts incurred in programs administered by the U.S. Department of Education.

(d) Demonstrates at the end of its latest fiscal year, a ratio of current assets to current liabilities of at least 1:1;

(e) Had, for its latest fiscal year, a positive net worth. For the purposes of this section, a positive net worth occurs when the school's assets exceed its liabilities;

(f) Has not had operating losses over both of its two latest fiscal years. In applying this standard, the Superintendent may consider the effect of unusual events such as natural disasters;

(g) Has not had, for its latest fiscal year, an operating deficit exceeding 10 percent of the institution's net worth. For purposes of this section, an operating deficit occurs when operating expenses exceed revenues from current business activities; and

(h) Has not had, as part of the documents prepared by its independent accountant on its audited and certified financial statements for the institution's most recently completed fiscal year, a statement from the accountant acknowledging substantial doubt about the institution's ability to continue as a going concern.

(3) A school that is determined by the Superintendent not to be financially responsible may be considered "at-risk," and will be required to follow the procedures cited in OAR 581-45-024.

(4) The Superintendent may waive or modify all or part of the requirements in sections (1) through (3) of this rule for schools offering prelicense programs or courses.

Stat. Auth.: ORS 345.325(8) & 345.030
Stats. Implemented: ORS 345.325
Hist.: EB 13-1996, f. & cert. ef. 7-26-96

Standards Governing Advertising and Promotion for Private Vocational Schools

581-45-020 [1EB 118, f. 11-28-67, ef. 12-25-67;
1EB 131, f. 5-19-72, ef. 6-1-72;
Repealed by 1EB 257,
f. 1-3-77, ef. 7-1-77]

Standards for Advertising

581-45-021 (1) A school shall submit with its original application all materials designed for direct mailing or media presentation in Oregon to the Superintendent for review for compliance in accordance with standards set forth in this rule.

(2) The school and its agents shall not make or cause to be made any oral, written or visual presentation, which is false, deceptive, inaccurate or misleading, in connection with the offering or publicizing of a subject or course of instruction.

(3) All advertising for private career schools licensed to operate in Oregon shall be true and correct and meet the following requirements:

(a) The correct name and address of the school must appear in all print advertising. In television and radio advertising the location of the school may include only the name of the city in which the school is located;

(b) References to accreditation will be limited to accreditation currently held by the school through nationally recognized accrediting agencies as listed by the United States Department of Education. Other restrictions are as follows:

(A) An accredited school may refer to its accreditation by use of the official seal of the accrediting agency or by statements authorized in writing by the agency;

(B) When a school advertises that it is accredited, it must identify the accrediting agency in the advertisement. The school catalog shall clearly state which specific courses or programs are accredited and those which are not;

(C) The term "Fully Accredited" may not be used;

(D) An organization consisting of accredited and nonaccredited schools or divisions may use this status in joint advertising only if the "accredited" status of each school or division is clearly indicated;

(E) The word "accredited" shall not exceed in size or boldness the print for the remainder of the statement referring to the accredited status of the school; and

(F) The use of the term accredited shall not imply that the credits earned by a student may be transferred.

(c) When a school claims affiliations or approvals, it must be able to document the accuracy of its claims as follows:

(A) It must disclose any limitations on transfer of credits to affiliates as established under the provisions of OAR 581-45-050(11)(b);

(B) It must obtain written permission of the affiliated firm or organization for reference use; and

(C) It is responsible for knowing restrictions and limitations of the agencies or organizations involved.

(d) Advertising relating to approval for attendance by nonimmigrant students shall be limited to the school meeting requirements of the Immigration and Naturalization Service; and

(e) Any reference to training of veterans shall exclude any reference to approval by the Veterans Administration.

(4) No remuneration shall be given by the school to any author for letters of endorsement, commendation or recommendations used by the school or school agents and such letters must be kept on file and are subject to inspection by the

Superintendent. Such letters may be used only when they are strictly factual and portray currently correct conditions or facts.

(5) Printed school publications, brochures or pamphlets shall be on file at the school and available upon request to any prospective student, enrolled student, and the Department.

(6) A school catalog shall include the following. If any of the following items do not appear in the body of the catalog, a reference to other specific documents where the required information appears must be in the catalog:

(a) Name and address of the school;

(b) Date of publication or other reference identifier such as year(s), volume or edition or version numbers, etc.;

(c) Admission requirements and procedures;

(d) The educational or vocational objective of each course or program including the name and level of occupations for which the course or program purports to train;

(e) The number of clock or credit hours of instruction in each course and the length of time in weeks or months normally required for completion;

(f) A complete listing and description of courses or programs offered specifying subjects included in each course or program that clearly identifies coverage of the training;

(g) A description of the school's physical facilities, equipment available for student use and the maximum or usual class size;

(h) Policies relating to tardiness, absences, makeup work, conduct, termination, reentry and other rules and regulations of the school, including a student appeals process;

(i) The grading system, including definition of ratings and credit units, if any;

(j) The requirements for graduation;

(k) A statement describing certificates, diplomas or degrees awarded upon graduation;

(l) The total cost of tuition and registration fee and other charges related to enrollment such as deposits, fees, books and supplies, tools and equipment, and other charges for which a student may be responsible. This information may be presented as an addendum or insert to the main publication;

(m) The state refund policy or the school's refund policy if determined by the Superintendent to be more favorable to the student;

(n) A description of the extent and nature of placement assistance provided to students and/or graduates, including but not limited to job search techniques, resume writing, job interview techniques, and the assistance the school provides in establishing job contacts/interviews for graduates;

(o) Specifics describing the availability of student housing, counseling and other student services, if any;

(p) A school calendar including beginning and ending dates of classes and programs, holidays and other dates of importance;

(q) Any other material facts concerning the school and the instruction which are reasonably likely to affect the decision of the potential student;

(r) A clear and conspicuous disclosure of the student's cancellation rights; and

(s) A student grievance policy which includes this statement, "Students aggrieved by action of the school should attempt to resolve these problems with appropriate school officials." Should this procedure fail, students may contact: Oregon Department of Education, Public Service Building, 255 Capitol Street NE, Salem, Oregon 97310-0203 or by calling (503) 378-5810.

(7) The school must provide the following information no later than the time the student signs an enrollment agreement:

(a) Number of students enrolled in the program at the beginning of the current reporting period;

(b) Number of students who enrolled in the program during the last reporting period;

(c) Number of students who left the program without completing it during the last reporting period;

(d) Number of students who graduated from the program during the last reporting period; and

(e) Number of those who graduated and were placed or working in full-time directly related occupations during the last reporting period.

(8) Subsections (7)(b) through (e) of this rule do not apply to prelicense schools.

(9) A school and any organization representing the school may use "Employment" and "Help Wanted" classified advertisements in newspapers for the sole purpose of procuring employees or agents for the school and not for purposes of recruiting students.

(10) The terms "warranty" or "warranties" and the terms "guarantee" or "guarantees" shall not be used except when service is truly guaranteed.

(11) The word "free" shall not be used in conjunction with services unless the service is derived from sources other than student tuitions or fees. The phrases "no additional charge" or "no obligation" are permissible when they correctly describe school policy or contract terms.

(12) A school shall have records available to document any statements made by the school through its advertising including salary and placement claims.

(13) A school shall not advertise that it is endorsed, recommended or approved by the Oregon Department of Education or the Superintendent. The school may use the phrase "licensed by the Oregon Department of Education" in its advertising material.

(14) A school shall not make any reference to student pass/fail records or percentages on state board exams in any advertising or promotional materials.

(15) No private career school shall advertise in Oregon through the local media that has not been licensed by the Department to operate a private career school.

(16) The school shall not use the term "earn while learning" or other like term which could convey that the student may receive some form of compensation for attending school.

(17) No person, firm, corporation or association shall advertise, solicit students, or collect fees unless licensed in Oregon as a private career school.

(18) Any school that performs services for the public shall conspicuously display in the reception area a sign indicating that its services are performed exclusively by either students or employees, or both.

Stat. Auth.: ORS 345.325; SB 326.051

Stats. Implemented: ORS 345.325
Hist.: 1EB 257, f. 1-3-77, ef. 7-1-77; 1 EB 30-1986, f. & ef. 7-23-86; EB 11-1990, f. & cert. ef. 2-1-90; EB 13-1996, f. & cert. ef. 7-26-96

At-Risk School

581-45-024 (1) The Superintendent may determine a school is "at risk" if a pattern or history of one or more of the conditions cited in the definition for "at risk" exist.

(2) The school owner and/or director shall be required to meet with Department staff to discuss the conditions.

(3) A school determined to be "at risk," at any time, will be required to provide a school improvement plan acceptable to the Superintendent within 30 days after meeting with Department staff. The school shall be put on a monthly reporting program for up to 12 months. During that time the school shall demonstrate improvement or the Superintendent shall proceed with further action of probation, suspension or license revocation as deemed necessary.

Stat. Auth.: ORS 345.120
Stats. Implemented: ORS 345.120; SB 326.051
Hist.: EB 13-1996, f. & cert. ef. 7-26-96

Refund Schedule for Private Vocational Schools

581-45-025 [1EB 118, f. 11-28-67, ef. 12-25-67;
1EB 124, f. 2-17-71, ef. 3-10-71;
Repealed and Readopted by
1EB 131, f. 5-19-72, ef. 6-1-72;
1EB 142, f. 10-5-72, ef. 10-15-72;
1EB 172, f. 6-17-74, ef. 9-1-74;
1EB 201, f. 7-1-75, ef. 9-1-75;
Repealed by 1EB 24-1978,
f. 6-30-78, ef. 7-1-78]

Cancellation and Refund Policies: Resident Instruction

581-45-026 (1) A student may cancel enrollment by giving written notice to the school. If notice occurs:

(a) Within five business days of the date of enrollment, all monies paid shall be refunded; or

(b) After five business days of the date of enrollment and prior to the commencement of classes, the school may retain only the published registration fee. Such fee shall not exceed 15 percent of the total tuition cost, or $150, whichever is less.

(2) If training is terminated by the student or the school after commencement of classes, unless the school has discontinued the program of instruction, the student is financially obligated to the school according to the following formulas or maximum charges:

(a) If a student withdraws prior to completion of 50 percent of the contracted instructional program, the student shall be entitled to a pro rata refund of the tuition charged and paid for such instructional program, less registration fees, supply fees, and any other legitimate charges owed by the student;

(b) If a student withdraws upon completion of 50 percent or more of the contracted instructional program, the student shall be obligated for the tuition charged for the entire instructional program and shall not be entitled to any refund;

(c) Pro rata refund means a refund of tuition paid for that portion of the program not received by the student, rounded downward to the nearest 10 percent. The date for determining that portion shall be the last recorded date of attendance by the student;

(d) When calculating charges under subsections (2)(a) through (c) of this rule:

(A) In the case of a program that is measured in clock hours, the portion of the scheduled or contracted period of enrollment remaining for which the student has been charged is determined by dividing the total clock hours comprising the scheduled or contracted period of enrollment for which the student has been charged into the number of scheduled or contracted clock hours remaining to be completed by the student in that period as of the last recorded day of attendance by the student;

(B) In the case of a program that is measured in credit hours, the portion of the period of enrollment remaining for which the student has been charged is determined by dividing the total number of weeks comprising the period of enrollment for which the student has been charged into the number of weeks remaining in that period as of the last recorded day of attendance by the student;

(C) For other measurements of time such as days, weeks, or months, the portion of the period of enrollment remaining for which the student has been charged is determined by dividing the total number of weeks or months comprising the period of enrollment for which the student has been charged into the number of weeks or months remaining in that period as of the last recorded day of attendance by the student.

(3) In calculating charges under subsections (2)(a) through (d) of this rule:

(a) The term "tuition cost" shall include direct tuition charges including any lab fees. The school shall adopt and publish policies regarding credits issued for the return of resaleable books and supplies and/or the proration of user fees, other than lab fees;

(b) Any refund shall be calculated on the basis of the published class schedule using the last day of actual attendance as the termination date. The student shall not be charged for a leave of absence, granted according to the school's written attendance policy, in the calculation of refunds;

(c) Calculations shall apply to only that time or cost applicable to the first 12 months of instruction or one academic year. For programs of longer than 12 months or one academic year, no charges attributable to the period beyond the first 12 months or one academic year can be claimed or allowed when termination occurs during the prior period;

(d) The school may adopt and apply refund calculations more favorable to the student than those described under subsections (2)(a) through (d) of this rule.

(4) When a cancellation, termination or completion occurs, a calculation of all allowable charges under sections (1), (2) and (3) of this rule shall be made, using the last recorded date of attendance as a baseline. If such calculations evidence that the school received total payments greater than its allowable charges:

(a) Within 40 days after notification of such cancellation, termination or completion, a written statement showing allowable charges and total payments received shall be delivered to the student by the school, together with a refund equal in amount to monies paid to the school in excess of those allowable charges;

(b) In the event payments to a student account are derived from federal and/or state tuition assistance program(s), including student loan programs, regulations governing refund notification and awarding within respective program(s) shall prevail in lieu of subsection (4)(a) of this rule, but only with respect to the covered portions thereof;

(c) In the event payments to a student account are derived from a sponsoring public agency, private agency or any source other than the student, the statement of charges and payments received together with an appropriate refund described under subsection (4)(a) of this rule may be delivered instead to such party(ies) in interest, but only with respect to the covered portions thereof.

(5) In case of illness or disabling accident, death in the immediate family or other circumstances beyond the control of the student that causes the student to leave school, the school shall arrange a prorated tuition settlement which is reasonable and fair to both parties.

(6) A school shall be considered in default of the enrollment agreement when a convened and functioning course or program is discontinued or canceled or the school closes prior to completion of contracted services. When a school is in default, student tuition may be refunded by the school on a pro rata basis. The pro rata refund shall be allowed only if the Superintendent determines that the school has made provision for students enrolled at the time of default to complete a comparable program at another institution. The provision for program completion shall be at no additional cost to the student in excess of the original contract with the defaulting school. If the school does not make such provision, a refund of all tuition and fees shall be made by the school to the students.

Stat. Auth.: ORS 345.115
Stats. Implemented: ORS 345.115
Hist.: 1EB 24-1978, f. 6-30-78, ef. 7-1-78; 1EB 30-1986, f. & ef. 7-23-86; EB 11-1990, f. & cert. ef. 2-1-90; EB 41-1990, f. & cert. ef. 7-10-90; EB 13-1996, f. & cert. ef. 7-26-96

Cancellation and Refund Policies: Distance Learning Instruction

581-45-027 (1) A student may cancel enrollment by giving written notice to the school within three business days after the date of enrollment or prior to delivery to the student of any lesson materials, whichever occurs later. If cancellation occurs during that three-day period, all monies paid to the school by the student shall be refunded.

(2) When an enrollment application has been accepted by the school and not canceled under the provisions of section (1) of this rule, the following schedules of maximum charges may be assessed by the school:

(a) If termination occurs in the period between the delivery of lesson materials and receipt by the school of the first completed lesson materials, the school may charge an amount equal to 15 percent of the total tuition cost, or $150, whichever is less; that being established as its registration fee;

(b) If termination occurs after receipt by the school of the first completed lesson materials and up to 50 percent of the completed lesson assignments, the student shall be entitled to a pro rata refund of the total tuition cost of the distance learning portion of the program. The school may retain the established registration fee;

(c) If termination occurs after receipt by the school of 50 percent or more of the completed lesson assignments, the school may retain 100 percent of the total tuition costs plus the established registration fee;

(d) Calculation of the pro rata refund under subsections (2)(a)-(c) of this rule is determined by dividing the total number of lessons comprising the period of enrollment for which the student has been charged into the total number of such lessons not submitted by the student.

(3) In calculating charges under section (2) of this rule, the terms "lesson assignments" and "tuition costs" shall apply to only such portions of a program that are offered and pursued by distance learning instruction.

(a) A program that includes mandatory resident instruction must state separately on the enrollment agreement the costs for the distance learning portion of the program and the costs for the resident portion. Mandatory resident instruction dates must be scheduled by the time the student completes 50 percent of the distance learning portion of the program. For the mandatory resident portion, charges can be assessed only after a student attends the first resident class session. Maximum charges shall be calculated by applying the same pro rata refund requirements established under OAR 581-45-026(2)(a) through (d). In the event that a school denies a student the mandatory residence portion of the program because of discontinuance of the program, more than a 30-day delay between completion of the distance learning portion and commencement of the residence portion, or other change in contract conditions, all tuition paid for both the distance learning and scheduled residence portions must be refunded;

(b) A program that includes optional resident instruction cannot state the costs of such options as separate charges. Seminars, training sessions or other on-site activities shall be considered inclusive with distance learning lessons and all costs thereof calculated with the charges allowed under OAR 581-45-026(2)(a) through (d).

(4) "Termination" is acknowledged to have occurred when:

(a) Notice of same is provided to the school by the student; or

(b) The student has failed to submit completed lesson assignments and/or to otherwise maintain the school's published standards of satisfactory progress; or

(c) In the instance of a mandatory resident portion of a program, the student has failed to attend classes and/or to otherwise maintain the school's published standards for satisfactory progress.

(5) When a cancellation or termination occurs, a calculation of any allowable charges under sections (1), (2) and (3) of this rule shall be made, based upon the last completed lesson assignment received and/or the last date of attendance in a mandatory resident program. In no more than 40 days after

notification of termination or cancellation, a written accounting of charges shall be delivered to the student by the school, together with a refund equal in amount to any monies paid by the student in excess of those allowable charges.

Stat. Auth.: ORS 345.115
Stats. Implemented: ORS 345.115
Hist.: 1EB 31-1986, f. & ef. 7-23-86; EB 11-1990, f. & cert. ef. 2-1-90; EB 41-1990, f. & cert. ef. 7-10-90; EB 13-1996, f. & cert. ef. 7-26-96

Cancellations and Refund Policies: Exceptions

581-45-028 A school may adopt a refund or cancellation policy different from the policies described under OAR 581-45-026 and OAR 581-45-027 only if:

(1) The school adopts a policy governing refunds that is more favorable to the student than what those respective rules require; or

(2) The school enters into contractual arrangements for training services where the costs thereof are not borne by the individual students, and no refund liability is created between those students and the school. In such instances, mutual understandings between school and student which govern charges and refunds implicit in such contract(s) may supersede those established under OAR 581-45-027 for distance learning;

(3) The Superintendent may, upon request, establish an alternative refund policy for a school which offers courses or programs with such an organizational structure that application of the refund policies prescribed, if applied, would cause unfair results to either the school or enrollees;

(4) Prior to actual enrollment, no private career school shall require from an enrollee an advance deposit in excess of 20 percent of the total tuition and fees:

(a) This limitation shall not apply to federal and state financial aid payments received by the school;

(b) Schools may accept payment in full of or for tuition and fees when students have been accepted and enrolled and the date for commencement of classes is specifically disclosed on the enrollment agreement;

(c) The Board may grant a waiver to this limitation if sufficient evidence is submitted indicating that a larger advance deposit would be more appropriate and not compromise the intent of ORS 345.115(4).

Stat. Auth.: ORS 345.115
Stats. Implemented: ORS 345.115
Hist.: 1EB 31-1986, f. & ef. 7-23-86; EB 11-1990, f. & cert. ef. 2-1-90; EB 13-1996, f. & cert. ef. 7-26-96

Tuition Protection Fund

581-45-029 (1) There shall be a fund known as the Private Career School Tuition Protection Fund (as described in ORS 345.110). The Tuition Protection Fund is hereby established in the custody of the State Treasurer. The Superintendent shall deposit in the fund all monies received under this rule. Monies from the fund shall be spent only for the purposes under this rule. Disbursements from the fund shall be on authorization from the Superintendent and no appropriation is required for such disbursements. All earnings on investments of the fund shall be credited to the fund. To be and remain licensed, each private career school authorized in accordance with the provisions of ORS Chapter 345 shall pay to the state an initial capitalization deposit and 14 semiannual payments. The fund shall be initially capitalized at a minimum of $200,000 and shall achieve and maintain an operating balance of at least $1 million. Said fund is intended to be a fund of last resort.

(2) Purpose of the Fund:

(a) Students attending schools licensed by the State of Oregon, other than students covered by another state's tuition protection, may make application, when a school ceases to provide educational services, to the Superintendent for a refund of tuition from the fund established pursuant to OAR 581-45-029 to the extent that such fund exists or has reached the level necessary to pay outstanding approved claims. The liability of the fund for claims against the school shall not exceed the total amount of the liability limit assigned to the school under subsection (3)(a) of this rule. Such limitation on each school's liability remains unchanged by single or cumulative disbursements made on behalf of the school. If the Superintendent finds that a student is entitled to a refund of tuition, the Superintendent shall determine the amount of refund based on criteria established by the Superintendent;

(b) The Superintendent shall direct the State Treasurer to pay the refund to the student or the student's financial sponsor(s). If the student is a minor, payment shall be made to the student's financial sponsor(s). Each recipient of a tuition refund shall, as a condition for receiving the claim, assign all rights to the Superintendent of any action against the school or its owner(s) for tuition amounts reimbursed pursuant to this section;

(c) Upon such assignment, the Superintendent may take appropriate action against the school or its owner(s) in order to reimburse the Tuition Protection Fund for any expenses or claims that are paid from the fund and to reimburse the Superintendent for the reasonable and necessary expenses in undertaking such action;

(d) The Superintendent shall attempt to recover from the school all funds disbursed from the Tuition Protection Fund and other costs of recovery;

(e) The Tuition Protection Fund shall not be used to reimburse private party attorney fees;

(f) Under no circumstances will any party, person or entity, other than the Department, be allowed to access funds from the Tuition Protection Fund;

(g) No liability accrues to the State of Oregon from claims made against the fund.

(3) Establishment of Fund Liability Limits:

(a) The amount of liability that can be satisfied by this fund, on behalf of each individual school licensed under this rule, shall be based on the gross tuition income reported on the last license renewal application:

Gross Annual Tuition Income	Liability Limit
$ 0,000 - $ 10,000	$ 2,500
$ 10,001 - $ 50,000	$ 5,000
$ 50,001 - $ 100,000	$ 10,000

$ 100,001	- $ 200,000	$ 20,000
$ 200,001	- $ 300,000	$ 30,000
$ 300,001	- $ 500,000	$ 50,000
$ 500,001	- $ 700,000	$ 70,000
$ 700,001	- $1,000,000	$100,000
$1,000,001	- $1,250,000	$125,000
$1,250,001	- $1,500,000	$150,000
$1,500,001	- $2,000,000+	$200,000

(b) The calculation of gross annual tuition for a school located outside the State of Oregon shall include only that income derived from residents of this state during the school's preceding year of operation, as evidenced in the financial statement required by OAR 581-45-016;

(c) Institutions not yet in operation or otherwise lacking a full year's financial data prior to initial licensing, shall have a liability limit calculated on the basis of an estimation of gross annual tuition; however, no liability established in any circumstance shall be less than $5,000 or more than $200,000;

(d) Each school subject to this rule shall submit to the Superintendent either cash, check or money order, the following nonrefundable* amounts for its initial capitalization deposit into the Tuition Protection Fund:

Liability Limit	Initial Capitalization Deposit	Semiannual Deposit
$ 2,500		$ 35.72
5,000	$ 250**	71.43
10,000	500	142.86
20,000	1,000	285.71
30,000	1,498	428.00
50,000	2,496	713.14
70,000	3,496	998.86
100,000	4,994	1,426.86
125,000	6,242	1,783.43
150,000	7,490	2,140.00
200,000	9,988	2,853.71

*In the event an application for license is denied by the Superintendent or an applicant withdraws its license application prior to the date of approval, the initial capitalization deposit shall be refunded to the applicant.

**Minimum deposit for initial license applicant.

(e) After the date of its nonrefundable initial capitalization deposit, as a condition to remaining licensed, each school shall remit to the Superintendent for deposit into the Tuition Protection Fund semiannual payments (on January 31 and July 31) in cash, check or money order, in accordance with the schedule in subsection (3)(d) of this rule. If the semiannual payment is not made by the due date, the Superintendent may impose a civil penalty as allowed under ORS 345.995 and OAR 581-45-190(5). Failure of a school to make payment within 30 days of due date shall be grounds for suspension or revocation of the school's license;

(f) The Superintendent shall prepare and mail to each licensee semiannual notices of the due dates and amounts of deposits required under section (3) of this rule. Each notice shall include therein at least once each year:

(A) A notation showing the licensee's aggregate prior deposits into the fund;

(B) A notation showing the licensee's balance of remaining payments based on the most recent deposit received;

(C) A notation showing the cumulated balance existing in the fund at the most recent half-year accounting;

(D) A summary showing all disbursements made from the fund to satisfy claims in the period since the last such similar summary was disseminated.

(4) Within 30 days after disbursements made to settle claims reduce the operating balance below $200,000, and recovery of such funds has not been ensured by the affected school, the Superintendent shall assess each licensee a pro rata share of the amount required to restore the balance in the fund to $200,000. In making calculations of each respective share, the Superintendent shall employ a pro rata percentage of liability. In the event that the amount of any single such assessment equals or is less than the semiannual amount of deposit established for the licensee, the assessment shall be paid within 30 days of notice. In the event any single assessment exceeds the amount of its semiannual deposit, the school may apply to the Superintendent for a schedule of deferred payments. The Superintendent shall grant such deferrals on application, but in no case shall the time extended exceed one year beyond the date of an assessment.

(5) The Superintendent shall make determinations based on annual financial data supplied by the school whether the semiannual deposit assigned to the school on the matrix established under subsection (3)(d) has changed. If an increase or decrease has occurred, a corresponding change in the semiannual deposit shall be made before the date of its next scheduled deposit into the fund.

(6) When any ownership interest in a school is conveyed through sale or other means that results in the transferee (buyer) owning more than 50 percent of the school, the contribution schedule of the prior owner is canceled. All contributions made up to the date of the transfer accrue to the fund. The new owner commences contributions under provisions applying to a new applicant. Exception shall be granted to any transferee (buyer) who held more than 50 percent of the ownership interest prior to the transfer and to any transferee who owned any interest in the school for more than four years prior to the transfer. In such instances the transferee (buyer) shall provide the Superintendent with legal evidence to validate the percent and time period of ownership.

(7) When deposits total $2,000,000, and the history of disbursements so warrants, the Superintendent may reduce the schedule of deposits whether as to time, amount, or both. When such level is achieved, the Superintendent may return any excess funds to currently licensed schools that have completed their required contributions to the fund.

(8) Additional Procedures Established to Deal With a School That Ceases to Provide Educational Services:

(a) A school ceases to provide educational services when the school or a division of the school ceases to provide classes of instruction;

(b) The Superintendent shall attempt to notify all potential claimants within 60 days of the date the Superintendent determines a school has ceased to provide educational services. The absence of records and other circumstances may make it impossible or unreasonable for the Superintendent to ascertain the name and address of each potential claimant, but the Superintendent shall make reasonable inquiries to secure that information from all likely sources including but not limited to public notification. The notification to students shall inform them of the opportunity and the deadline for submitting claims against the Tuition Protection Fund;

(c) Claims against the Tuition Protection Fund may be made only by students who were enrolled at the time a school ceases to provide educational services;

(d) All claims must be filed with the Superintendent by the deadline established in the Superintendent's notification. Each student filing a claim must specify and verify any and all sources and amounts of tuition which were paid on the student's behalf. The Superintendent may refuse to pay any claim which does not contain sufficient verification or other information required by the Superintendent;

(e) The Superintendent shall not consider any claims filed after the deadline established in the Superintendent's notification. Failure of a student to receive notification shall not be a basis for the Superintendent to consider any claims filed after the deadline;

(f) The Superintendent shall seek to recover such disbursed funds from the assets of the defaulted school, including but not limited to asserting claims as a creditor in bankruptcy proceedings;

(g) A school shall have no vested right, claim or interest in any deposit to the Tuition Protection Fund and all payments shall accrue to the fund.

(9) In the event of a potential and actual school closure a school shall inform its students in writing of their rights under the provisions governing the Tuition Protection Fund.

(10) If a school closure is in violation of OAR 581-45-031, the Superintendent may allocate monies from the Tuition Protection Fund, as a fund of last resort, to teachout arrangements for displaced students. The liability level for teachout costs shall be the same as that established in subsection (2)(a) of this rule. Students completing their training as a result of this option would not be entitled to a refund from the school or the Tuition Protection Fund.

Stat. Auth.: ORS 345.110, 345.995
Stats. Implemented: ORS 345.110
Hist.: EB 32-1991, f. & cert. ef. 12-18-91; EB 18-1992 (Temp), f. & cert. ef. 5-13-92; EB 34-1992, f. & cert. ef. 11-3-92; EB 13-1996, f. & cert. ef. 7-26-96

[**ED. NOTE:** The text of Temporary Rules is not printed in the Oregon Administrative Rules Compilation. Copies may be obtained from the adopting agency or the Secretary of State.]

Regulations Applicable to the Established Refund Schedule

581-45-030 [1EB 118, f. 11-28-67, ef. 12-25-67;
1EB 124, f. 2-19-71, ef. 3-10-71;
1EB 131, f. 5-19-72, ef. 6-1-72;
1EB 143, f. 10-5-72, ef. 10-15-72;
1EB 200 f. 7-1-75, ef. 9-1-75;
Repealed by 1EB 257,
f. 1-3-77, ef. 7-1-77]

School Closure

581-45-031 (1) In the event a school closes, the school shall file a plan with the Superintendent designed to protect the contractual rights of its students and graduates, including the right to complete the course of instruction in which they were enrolled. The school shall return its license to the Superintendent immediately by certified mail upon cessation of instruction.

(2) A school which is closing, either voluntarily or involuntarily, shall:

(a) Inform the Superintendent of this action by certified mail no later than 30 calendar days prior to the anticipated cessation of instruction and other normal school business practices. Such notice shall contain all details of the school's closure plan and supply the information required by subsections (2)(b) through (d) of this rule;

(b) Provide the Superintendent with the name, address and telephone number of the person who will be responsible for closing arrangements;

(c) Give the Superintendent the name, address and telephone number and the name of the course of instruction for each student who will not complete his or her course of instruction;

(d) Provide the Superintendent with information on the amount of class time left for each student to complete the course with the amount of refund, if any, for which each student is eligible;

(e) Provide written notice to all registered and enrolled students of closure plan no later than 30 calendar days prior to closure;

(f) Furnish the Superintendent with copies of the written notice being mailed to all enrolled students explaining the procedures they are to follow to secure refunds or to continue their education;

(g) File procedures for disbursement of refunds with the Superintendent and set a date no later than 30 calendar days from the last day of instruction to issue refund checks in the full amount for which students are entitled; and

(h) Within four calendar days of its closing transfer permanent student transcripts and roster of all students enrolled at the time of closure to the Superintendent. All transcripts of students not enrolled at the time of closure are due to the Superintendent within 90 calendar days after closure.

(3) If students are receiving instruction prior to the school's closing, the school shall file a Superintendent-approved plan with the Superintendent to ensure that the school's students will continue to receive training of the same quality and content as that for which they contracted.

(4) If the Superintendent, in any situation in which students are receiving instruction prior to a school's closing, determines that the school has not fulfilled its contractual obligations or a student has reasonable and justifiable objections to the proposed transfer resulting from the closing, the school shall refund all tuition, fees, and other charges.

(5) If the school to be closed offers a combination of distance learning and resident training, the school shall refund the entire cost of both the distance learning and resident portion paid.

(6) Any school owner, including a corporation and/or any of its officers, involved in the decision to

close a school in violation of this section will not be granted a license to operate any other private career school in Oregon.

(7) When a school closes or ceases operation, for any reason, its license is automatically revoked effective the day following the date of closure or cessation of operations.

Stat. Auth.: ORS 345.115; SB 326.051
Stats. Implemented: ORS 345.115
Hist.: EB 13-1996, f. & cert. ef. 7-26-96

Minimum Standards for the Operation of Private Vocational Schools

581-45-035 [1EB 118, f. 11-28-67, ef. 12-25-67;
1EB 131, f. 5-19-72, ef. 6-1-72;
Repealed by 1EB 257,
f. 1-3-77, ef. 7-1-77]

Standards for Correspondence or Home-Study Schools

581-45-040 [1EB 118, f. 11-28-67, ef. 12-25-67;
1EB 131, f. 5-19-72, ef. 6-1-72;
Repealed by 1EB 257,
f. 1-3-77, ef. 7-1-77]

Standards Governing Teacher Qualifications for Private Vocational Schools

581-45-045 [1EB 118, f. 11-28-67, ef. 12-25-67;
1EB 131, f. 5-19-72, ef. 6-1-72;
Repealed by 1EB 257,
f. 1-3-77, ef. 7-1-77]

Agents

581-45-050 (1) An agent shall be a person who has attained the age of 18 years, is of good moral character and is otherwise competent and qualified to safeguard and protect the interests of the public.

(2) No person shall act in the state as an agent for a private career school unless the Superintendent has received the agent's registration.

(3) Agents shall be considered registered only when the school notifies the Department in writing of the name, address, date of employment and geographic territory for each agent.

(4) For licensing purposes, registered agents shall be considered employees of the school.

(5) Prior to employing agents a school shall provide training to the prospective agent that includes: knowledge of the Oregon private career school law and rules, detailed understanding of the school's catalog, student contracts, refund policy, other written school policies, and code of ethical conduct when dealing with prospective students and parent(s) or guardian(s).

(6) The school shall be responsible for developing identifying credentials and passport pictures for each of its agents. The credentials shall remain the property of the school. The identifying credentials shall include:

(a) The full name and address of the agent;

(b) The full name and address of the career school to be represented; and

(c) A passport type picture affixed to the identifying credentials.

(7) The school shall immediately notify the Superintendent of the termination of employment of an agent and demand return of the agent's credentials.

(8) The school may be fined for failure to keep its agent files current and accurate.

(9) Agents, when representing more than one school, shall disclose to each employing institution that they are employed by more than one school.

(10) Agents, when representing a school, shall:

(a) Report first to the administrative offices of any high school or college before conducting any student interviews or presentations;

(b) Make no statements which are false, misleading or fraudulent;

(c) Respond with all facts about the school the prospective student may wish to know prior to the making of an enrollment decision;

(d) Use only advertising which complies with OAR 581-45-021;

(e) Provide a copy of the school's catalog/brochure to high school administrators or counselors prior to making any presentation at a high school;

(f) Disclose information on tuition and other instructional costs upon request by prospective students;

(g) Explain to the student payment obligations before the student signs the enrollment agreement, and explain the school's refund policy;

(h) Make clear the school's academic policies and code of conduct;

(i) Accurately describe the school's facilities and living accommodations, and explain living costs;

(j) Give a report on current job prospects;

(k) Make available for review samples of the school's distance learning lessons prior to the signing of the enrollment agreement;

(l) Explain the school's placement assistance, and provide placement statistics;

(m) Explain the school's admissions criteria;

(n) Provide a copy of the enrollment agreement and fully explain all terms and conditions;

(o) Suggest that the prospective student visit the school to talk with teachers, guidance counselors, employment counselors and students; and

(p) Show identifying credentials to the high school administrator and prospective students before making any presentation regarding the school(s).

(11) Agents shall not:

(a) Make false, inaccurate or misleading statements concerning any degree, certificate or diploma offered by the school;

(b) State that credits from the school are transferable unless such claims are supported by documentation in the school's files and provided to and on file with the Department. The agent shall, at the time of representation, identify each school or type of school and program which accepts such credits. The agent shall clearly and conspicuously disclose all limitations on such transferability; for example, it is not possible to transfer credits from a certificate program to a degree program;

(c) Recommend a prospective student for acceptance if the agent does not have reason to believe the student has a chance to succeed;

(d) Distribute distance learning lessons if to do so limits the student's right to cancel the enrollment within three business days of signing and receive a full refund of all monies paid to the school;

(e) Collect any fee other than the registration fee prior to the student's official admittance; or

(f) Represent that any commodity or service is free when, in fact, such commodity or service is regularly included as part of a course for which tuition or any other fee is paid.

(12) The school shall monitor its agent's activities and sales and marketing practices and immediately investigate and resolve complaints about their activities. The school shall be accountable for the adherence of its agents to ORS Chapter 345 and OAR Chapter 581, Division 45.

Stat. Auth.: ORS 345.325 and 345.040
Stats. Implemented: ORS 345.040
Hist.: 1EB 119, f. & ef. 7-19-68; 1EB 131, f. 5-19-72, ef. 6-1-72; 1EB 25-1978, f. 6-30-78, ef. 7-1-78; 1EB 30-1986, f. & ef. 7-23-86; EB 11-1990, f. & cert. ef. 2-1-90; EB 13-1996, f. & cert. ef. 7-26-96

Application for License to Operate as Salesman or Agent of a Foreign Vocational or Correspondence School

581-45-055 [1EB 118, f. 11-28-67, ef. 12-25-67;
1EB 131, f. 5-19-72, ef. 6-1-72;
Repealed by 1EB 26-1978,
f. 6-30-78, ef. 7-1-78]

Application for License to Operate as Agent of an Out-of-State Vocational or Correspondence School

581-45-056 [1EB 26-1978, f. 6-30-78, ef. 7-1-78;
1EB 30-1986, f. & ef. 7-23-86;
Repealed by EB 11-1990,
f. & cert. ef. 2-1-90]

Standards Governing Recruitment for Private Career Schools and Their Agents

581-45-060 All agents and schools will be subject to the following conditions of this rule:

(1) As the recruitment of prospective students relates to admissions policies and practices:

(a) The school or agent shall clearly explain to each applicant for enrollment the nature of the course under consideration and what the training can reasonably be expected to do for the student in preparation for or furtherance of a trade or occupation;

(b) The school shall not enroll, and no agent or any person involved in recruitment or admission shall recommend for enrollment, any person without having reason to believe that the person is likely to succeed in and benefit from the proposed training or course of instruction;

(c) Where a school or agent enrolls a person who does not meet regular basic admission qualifications of the school, the school must have a written record of the reasons why the enrollee was permitted to enroll, and be prepared to justify its action in accepting the enrollment;

(d) No school or agent may accept an enrollment from a person of compulsory school age, nor one attending a school of elementary or secondary level, until the agent has written assurance from the enrollee's parent, guardian or principal of the elementary or secondary school attended, that pursuit of the course would not be detrimental to enrollee's regular school work; and

(e) The school must produce, upon demand of the Department, documents attesting to completion of subsections (1)(a) and (b) of this rule and, when applicable, subsections (1)(c) and (d) of this rule.

(2) As recruitment of prospective students relates to enrollment agreements or contracts:

(a) The enrollment agreement or contract must clearly outline obligations of both school and student, and a copy of the enrollment agreement or contract must be furnished the student by the agent before payment is made;

(b) The school or agent must inform each applicant of the nature of the obligation entered into and the responsibilities and rights of the student under the enrollment agreement or contract before the student signs the document. Evidence of compliance with this will be the student's signature on file at the school verifying receipt of a copy of the contract as well as other documents required in OAR 581-45-011;

(c) The total tuition for any specific course must be the same for all persons enrolling at a specific time, except that a group training contract showing lower individual rates may be negotiated;

(d) Tuition changes in courses shall be effective on specific dates and applicable to all who enroll thereafter; and

(e) All charges and costs incidental to training must be revealed by the school or agent to the prospective student before any enrollment agreement or contract is signed.

(3) As recruitment of prospective students relates to advertising and promotional literature:

(a) Neither school, agents nor advertising may quote "high top" or "up to" salaries for an occupation unless they also indicate the average starting salary in the occupation for which training is given and the source of the supporting data;

(b) No bonus or other incentive may be given a prospective student for the purpose of enticing the student to sign an enrollment agreement other than that which is offered to all students in a special promotional effort. This rule does not prohibit a school from establishing a bona fide scholarship program; and

(c) Neither school, agents nor advertising may make overt or implied claims of any employment guarantee either during or upon completion of training.

(4) As recruitment of prospective students relates to the school's responsibility for its agents:

(a) The school is responsible for insuring that the agent has been oriented to and is knowledgeable about the school's:

(A) Beginning, history, and owners;
(B) Program of studies;
(C) Refund policy;
(D) Admission and assessment requirements;
(E) Graduation requirements;
(F) Rules and regulations;
(G) Financial policies and procedures;
(H) Relationship to state laws and regulations; and
(I) Relationship to applicable consumer protection laws.

(b) The school is responsible for all advertising or promotional literature used by its agents;

(c) The school or agent must provide the student a receipt for all money collected and a copy of the enrollment agreement;

(d) No person who has any responsibility for the recruitment of students shall use the title of counselor, advisor or any term of similar import, as determined by the Superintendent. Persons responsible for student recruiting may use the titles of admissions representative, career consultant or other similar titles. The use of such titles shall be allowed so long as neither the school nor any such titled person represents, either directly or by implication, that they are acting on behalf of the prospective student rather than on behalf of the school;

(e) No school or agent may discredit other schools or agents in any manner that may influence a student to leave another school or discourage a student from signing an enrollment agreement with another school; and

(f) All schools and their agents shall comply with all standards set forth in OAR 581-45-021 concerning advertising and promotional material.

Stat. Auth.: ORS 345.040 and 345.325
Stats. Implemented: ORS 345.040
Hist.: 1EB 257, f. 1-3-77, ef. 7-1-77; 1EB 30-1986, f. & ef. 7-23-86; EB 11-1990, f. & cert. ef. 2-1-90; EB 13-1996, f. & cert. ef. 7-26-96

Civil Penalties

581-45-190 (1) Amendments to OAR 581-45-001 through 581-45-210 must be implemented by the schools within 90 days after the effective date of the amendments. Failure to implement rule changes within 90 days shall subject a school to penalties under ORS 345.995 and this rule.

(2) Except as provided in section (5) of this rule, any licensee under the provisions of ORS Chapter 345 that violates the provisions of, or the rules pertaining to, ORS Chapter 345, is subject to a penalty under ORS 345.992 or ORS 345.995 that shall not exceed the amounts in the following schedule:

(a) First violation--$300;
(b) Second violation--$400;
(c) Third violation--$500; and
(d) Each additional violation--$500.

(3) Penalties listed in subsection (2)(a)-(d) of this rule may be assessed for each violation of statutes or rules for which a school is charged in writing by the Superintendent. In the event a school is cited for violation of a specific statute or rule on the first occasion, the "first violation" penalty amount will be assessed. Subsequent or repetitive violations of the same statute or rule will cause second, third and additional penalty amounts to be assessed respectively.

(4) Each commission of an act in violation of a regulation shall constitute a separate violation. The imposition of penalties under OAR Chapter 581 Division 45 shall be in addition to, and does not preclude the imposition of, any other penalties for the same act or conduct pursuant to any other provision of law.

(5) Penalties of $25 per day, up to a maximum of $500, may be imposed for each calendar day after a license renewal under OAR 581-45-004 is due or if payments to the Tuition Protection Fund under OAR 581-45-029 are made after the due date.

(6) Failure to pay penalties within 30 days of the service of a final order imposing penalties, unless stayed pending appeal by subsequent order of the Superintendent or a court of competent jurisdiction, may result in revocation of license to operate a school.

Stat. Auth.: ORS 345.992 & 345.995
Stats. Implemented: ORS 345.995
Hist.: EB 13-1996, f. & cert. ef. 7-26-96

Barbering, Hair Design, Facial Technology, and Nail Technology

581-45-200 In addition to OAR 581-45-001 through 581-45-190, schools of barbering, hair design, facial technology, and nail technology shall comply with this rule and OAR 581-45-210.

(1) Minimum hourly training requirements:
(a) For hair design, 1,450 hours;
(b) For barbering, 1,100 hours;
(c) For facial technology, 250 hours;
(d) For nail technology, 350 hours; and
(e) In addition to the programs listed above, students are required to successfully complete the following requirements once:
(A) Safety and sanitation, 150 hours; and
(B) Career development, 100 hours.

(2) Individual progress records must be regularly maintained for the purpose of monitoring each student's progress through the instructional program and verifying actual hours of instruction in each certifiable classification. Once a student completes the state minimum and the school program requirements, the school shall administer a Department-approved written and practical exam prior to the student taking the State Board exam for licensure. The time required to take the practical exam shall be included as part of the contracted program hours included in the tuition cost.

(3) The Department, with the assistance of a curriculum committee, will develop minimum standards for each certificated program or any combination of programs.

(4) No student shall perform any task in a clinic lab without first having achieved verifiable minimum competence. The following hours are recommended as a guideline for classroom and laboratory instruction that students should experience prior to any assignment in the clinic lab:
(a) Hair design, 160 hours;
(b) Facial technology, 40 hours;
(c) Nail technology, 40 hours; and
(d) Barbering, 100 hours.

(5) The school must indicate in its instructional program description the ratio of the number of hours of classroom and laboratory instruction to the number of hours of clinic lab instruction.

(6) The student instructional program shall determine what type of assignments they are receiving in the clinic lab. Clinic lab assignments should, as nearly as possible, reflect the emphasis of the student's current and cumulative theory and laboratory experiences. Schools shall establish a minimum and maximum number of clinic activities for each type of task required in the clinic lab. These minimums/maximums should show a comparable distribution of activities reflective of industry practice. Only when students have completed the minimum in all areas can they be assigned to clinic activities in excess of the maximums.

(7) As an alternative to section (1) of this rule a competency-based training program that is self-paced may be approved by the Superintendent when the school has developed written requirements which it administers for graduation including:

(a) Clearly defined student performance

objectives which measure levels of performance at each level of instruction for each skill/task and knowledge required for students to successfully pass the appropriate practitioner certificate examination and successfully and safely perform on members of the public all services allowed in the certificate classifications;

(b) Individual progress records maintained for the purpose of monitoring each student's progress through the instructional program and recording/verifying actual hours of instruction and performance achievement by each student;

(c) A curriculum design, which the Superintendent determines to be comparable to the Board adopted model curriculum, showing a logical progression of academic and practical training experiences leading to the levels of student performance required for graduation and certification;

(d) The identification of specific levels of competence to be achieved by each student prior to any clinic lab experience that will ensure students have achieved sufficient skill and knowledge to successfully and safely perform assigned tasks on members of the general public;

(e) A diagnosis of each student's beginning level of competency and a prescriptive instructional program for specific competency completion with projected timelines resulting in an estimated program completion date; a copy to be given to the student on commencement of the program and on file in the student's personal file. Revisions to the prescriptive program must be based on recorded performance evaluations and as a result of school/student negotiation. Copies of revisions must be given to the student and on file in the student's academic file;

(f) Assurances that the instructional program will determine the type of assignments that students receive for the clinic lab; that, as nearly as possible, the clinic lab assignments reflect the emphasis of the student's current and cumulative theory and laboratory experiences;

(g) School catalogs and/or student enrollment agreements which show the average time for students to complete the requirements for the various certificate programs during the previous reporting period;

(h) An annual report at the time of relicensing to the Department showing the actual total hours of instruction received by each student who has completed or left the school during the previous reporting period;

(i) Assurances that no student's competency based prescriptive training program will be significantly altered or regulated in any way, once the student and the school administration have signed a competency based agreement;

(j) When the school informs a student that he/she is competent, the student may elect to leave the school with a diploma at that time or stay in school until he/she has been trained for an amount of time equal to the training hours listed in section (1) of this rule, and no additional tuition may be charged. The student shall notify the school of his/her decision within two weeks of notice of competency.

(8) A school shall not conduct both fixed-hour and student competency-based training programs in the same school facility concurrently unless the school is in transition from one training program to another. The Department may set a time limit in which the transition must be completed.

(9) No school shall enroll a student wishing to transfer hours from a school of barbering, hair design, facial technology, and nail technology in Oregon or out-of-state without first receiving an official transcript properly signed and/or sealed directly from the previous school(s). A school may admit a student on a temporary basis without receiving an official transcript. In no event should a student be considered a graduate until an official transcript from a prior school(s) is in the graduating school's student file. Schools may evaluate and grant appropriate credit for any education and training students received at state regulated postsecondary schools. This evaluation must be submitted to the Superintendent for approval prior to granting the credit.

(10) Schools shall validate only their own hours of instruction provided a student but not any hours provided by other schools.

(11) Schools shall give full credit for previous hours earned upon receipt of official transcripts. Hours will only be valid for 10 years from date of graduation, withdrawal or termination from a school.

(12) No school shall deny a student a record of hours earned. A record of hours does not infer or include the official transcript.

(13) Schools shall have the following staff present in the facility at all times:

(a) 1-15 students present--one approved teacher;

(b) 16-30 students present--two approved teachers;

(c) One additional approved teacher for each additional 20 students or part thereof. Teachers must be certified in all areas they teach and supervise. When only one teacher is present at the school, clinic lab operations and classroom instruction shall not occur simultaneously. The lone teacher shall conduct and supervise one or the other but not both concurrently. Teachers who supervise the clinic lab and/or approve student practical performance must be certified in all areas they supervise or approve.

(14) The minimum teaching staff, as set forth in these rules, shall not perform administrative or financial aid or any other noninstructional duties during the time that the clinic lab and classroom instruction are taking place concurrently.

(15) A teacher or student teacher shall not perform any services in the school at any time except for teaching purposes.

(16) (a) Schools may use resource persons who are not approved teachers for enrichment of instruction within maximum time limits:

(A) Hair design, 340 hours;

(B) Facial technology, 100 hours;

(C) Nail technology, 100 hours; and

(D) Barbering, 270 hours.

(b) Such instruction, if provided outside the school premises, must be supervised by a certified teacher.

(17) All services performed by students shall take place under the supervision and direction of a certified teacher.

(18) Premises shall be used during school hours only for instructing students and teacher trainees

in barbering, hair design, facial technology or nail technology.

(19) The school shall provide a minimum of 2,800 square feet of total floor space to be allocated as follows: one work station for each of the first 20 students; one additional work station for every five students in excess of 20; and, where hair design is taught, one shampoo bowl for every five work stations. Schools must comply with ORS 345.240 relative to accessibility of programs for persons with handicapping conditions.

(20) The Superintendent may approve facilities of less than 2,800 square feet of floor space for schools offering instruction in facial technology or nail technology.

(21) The school shall be separated from adjoining rooms used for another business or for domestic purposes, by means of walls or substantial partitions extending from floor to ceiling; all doors leading to the school from the aforesaid adjoining rooms must be kept closed. Access to the school shall be provided by means of an outside or separate entrance, or from a public passageway in a public building.

(22) Currently, certified practitioners of barbering, hair design, facial technology or nail technology may be approved by the Department to teach subjects or programs directly relating to their certified classification(s) if they:

(a) Have graduated from high school as evidenced by a photocopy of a high school transcript or high school diploma or, as an alternative, the obtaining of a General Education Development (GED) certificate;

(b) Are at least 18 years of age as evidenced by a photocopy of a birth certificate, driver's license or baptismal certificate;

(c) Have completed the Standard Course of Study as set forth in section (27) of this rule unless they meet the requirements as set forth in subsection (22)(d) of this rule;

(d) Hold all Oregon licenses, certificates and ratings legally required for employment in the field in which they teach. They must have at least two years work experience as a certified practitioner, or two years formal education following certification or licensure or any two-year combination of both in the subject in which they instruct; and

(e) Provide evidence to the satisfaction of the school that the requirements of this section have been met.

(23) Each school shall include the names of all actively employed (full time or part time) approved teachers on its annual license renewal application.

(24) Continuing education of teachers shall be required to maintain approval:

(a) A teacher may maintain registration status by completing 30 clock hours of approved continuing education within every 36-month period following that teacher's first date of common teacher registration (including any period of time from the actual date of registration until the first date of common teacher registration); and by completing 30 clock hours of approved education within every 36-month period thereafter. Only 10 of the 30 clock hours may be from an approved manufacturer or distributor show;

(b) The Department shall, in conjunction with the state advisory committee, approve courses for which continuing education credit will be allowed;

(c) Proof of completion of the requirements of subsection (24)(a) of this rule must be submitted to the Superintendent prior to each teacher's next date of registration;

(d) An individual failing to comply with the requirements of subsection (24)(a) of this rule shall not be approved for registration renewal or for a new registration until such requirements have been met.

(25) Teachers approved prior to the effective date of these rules shall be considered approved and to have met the entry-level education requirements as specified in section (22) of this rule.

(26) Courses of teacher training for instruction in barbering, hair design, facial technology and nail technology may be offered only in a school of hair design licensed under the provisions of ORS Chapter 345 or Mt. Hood Community College. Courses of study must be submitted to the Superintendent for approval.

(27) The Standard Course of Study shall require 1,000 hours of instruction which shall include the following:

(a) Preparation and use of lesson plans;

(b) Use of audiovisual and other instructional aids;

(c) Development and administration of tests and evaluation of test results;

(d) Evaluation and recording of student progress, and recording of attendance;

(e) Observation of practical demonstrations;

(f) Assisting with practical demonstrations;

(g) Setting up and performance of practical demonstrations; and

(h) Practice teaching.

(28) The Superintendent shall approve teacher training programs of 200 hours for:

(a) Teachers whose certification has lapsed more than three years;

(b) Teachers from other states whose licensing requirements are less than the minimum requirements for Oregon; and

(c) Certified practitioners with no prior teaching experience.

(29) The school shall:

(a) Maintain daily records of the teacher trainee's attendance, and the subject matter covered; and

(b) Conduct and record the results of periodic evaluations of each teacher trainee.

(30) The school may evaluate and give up to 500 hours credit for professional teaching experience or any academic training received in a community college or institution of higher education when that academic training contributes to achievement of the total approved Standard Course of Study.

(31) The teacher training program must comply with sections (26) through (30) of this rule.

(32) A school shall not have more than three approved teacher trainees at one time. The school shall designate who shall have the principal supervisory responsibility for the student in the teacher training program. Each trainee, when in the clinic lab, must be under direct supervision of an approved teacher with a minimum of two years teaching experience.

(33) Teacher trainees shall evaluate students only under the direct supervision of a certified teacher.

(34) Teacher training students must be

registered with the Superintendent prior to commencement of their training.

Stat. Auth.: ORS 345.400, 345.460 & 345.470
Stats. Implemented: ORS 345.400 & 345.460
Hist.: EB 13-1996, f. & cert. ef. 7-26-96

Safety and Sanitation Compliances and Inspections for Schools of Hair Design, Barbering, Facial Technology and Nail Technology Only

581-45-210 (1) Students, teachers and school owners shall observe and be subject to all state, county and municipal laws and regulations pertaining to public health. Compliance with state and municipal fire regulations is required.

(2) Sanitation and safety rules set forth in OAR chapter 817 shall be available in the school.

(3) The current sanitation inspection report required by this section shall be conspicuously displayed in the school.

(4) Sanitation and safety inspections of schools regulated by this rule shall be conducted periodically by agents of the Health Division of the Department of Human Resources. Such inspections shall be for the purpose of determining whether schools are in compliance with the standards set forth in OAR chapter 817, Divisions 5, 10 and 60 as they relate to the schools.

(5) A school is considered to be open and subject to inspection when the school is serving the public.

(6) The inspecting agent shall submit to the Superintendent a written report of sanitation and safety conditions observed in each school inspected. Any violation of standards existing in a school at the conclusion of an inspection shall be specifically noted in the inspection report.

(7) Failure of a school to correct a condition of violation within the time allotted for compliance as determined by the Superintendent shall be subject to penalties as set forth in OAR 581-45-190.

Stat. Auth.: ORS 345.440 & 345.450
Stats. Implemented: ORS 345.440
Hist.: EB 13-1996, f. & cert. ef. 7-26-96

Standards for Registration of Private Elementary and Secondary Schools

[**NOTE**: Upon receipt of an application for registration, the Department of Education shall evaluate the private school and shall register the school if it finds that the school is in compliance with the requirements of ORS 345.525 and 345.535 and the rules adopted pursuant thereto. The registration expires June 30 next following its issuance. If the Department refuses to register the school, it shall notify the applicant and give its reasons for the refusal.]

Registration

581-45-500 Registration is renewable annually on or before October 14. Registration not renewed before October 14 shall be considered lapsed and may only be renewed in the manner required for initial registration. Elementary and secondary private schools shall be any combination of Grades Kindergarten through 12 for purposes of registration.

Stat. Auth.: ORS 326.215, 339.030, 343.055, 345.535, 433.245, 453.205 & 453.255
Stats. Implemented: ORS 345.515 & 345.525
Hist.: 1EB 109, f. 3-30-64; 1EB 256, f. & ef. 12-20-76; EB 5-1991, f. & cert. ef. 2-28-91

Statement of Philosophy

581-45-505 The school shall file with the Department of Education a written statement of its philosophy. The school goals shall reflect the Goals for Elementary and Secondary Education in OAR 581-22-201(2), with the exception of any goal which is contrary to or inconsistent with the school's statement of philosophy.

Stat. Auth.: ORS 326.215, 339.030, 343.055, 345.535, 433.245, 453.205 & 453.255
Stats. Implemented: ORS 345.525 & 345.535
Hist.: 1EB 109, f. 3-30-64; 1EB 256, f. & ef. 12-20-76; EB 5-1991, f. & cert. ef. 2-28-91

Administrative and Secretarial Assistance

581-45-510 The school shall have available the administrative and secretarial assistance necessary to assure its effective operation.

Stat. Auth.: ORS 326.215, 339.030, 343.055, 345.535, 433.245, 453.205 & 453.255
Stats. Implemented: ORS 345.525 & 345.535
Hist.: 1EB 109, f. 3-30-64; 1EB 256, f. & ef. 12-20-76; EB 5-1991, f. & cert. ef. 2-28-91

Reports

581-45-515 The school shall furnish promptly such reports and information as the Department of Education requires by rule or other law and shall maintain a file of copies of such reports in its own office.

Stat. Auth.: ORS 326.215, 339.030, 343.055, 345.535, 433.245, 453.205 & 453.255
Stats. Implemented: ORS 345.525 & 345.535
Hist.: 1EB 109, f. 3-30-64; 1EB 256, f. & ef. 12-20-76; EB 5-1991, f. & cert. ef. 2-28-91

Transportation

581-45-520 If transportation is provided, the school shall comply with all applicable state and federal laws and with the rules and regulations of the State Board of Education.

Stat. Auth.: ORS 326.215, 339.030, 343.055, 345.535, 433.245, 453.205 & 453.255
Stats. Implemented: ORS 345.525 & 345.535
Hist.: 1EB 109, f. 3-30-64; 1EB 256, f. & ef. 12-20-76; EB 5-1991, f. & cert. ef. 2-28-91

Administrator Qualifications

581-45-525 The administrator may demonstrate qualifications in any one of the following three ways:

(1) Possess a current administrative certificate from any state, which shall be valid for three years or until the administrator has completed certification for the State of Oregon.

(2) Be enrolled in and actively working toward an educational program leading to an administrative certificate.

(3) Possess relevant verifiable experience, other than the above, according to clearly defined criteria which are consistent with the educational goals of

the school and filed with the Department of Education.

Stat. Auth.: ORS 326.215, 339.030, 343.055, 345.535, 433.245, 453.205 & 453.255
Stats. Implemented: ORS 345.525 & 345.535
Hist.: 1EB 109, f. 3-30-64; 1EB 256, f. & ef. 12-20-76; EB 5-1991, f. & cert. ef. 2-28-91

Teacher Qualifications

581-45-530 Private schools should not knowingly misrepresent to the public the certification, training, and qualifications of the teaching staff. The teacher may demonstrate qualifications in any one of the following three ways:

(1) Possess a current teaching certificate from any state, which shall be valid for three years until the teacher has completed certification for the State of Oregon.

(2) Teach at least half time in the subject field in which the B.S. or B.A. degree was obtained, which shall be valid for three years while the teacher is enrolled in and actively working toward an educational program leading to a teaching certificate in the state of Oregon.

(3) Possess relevant verifiable experience, other than the above, according to clearly defined criteria which are consistent with the educational goals of the school and filed with the Department of Education.

Stat. Auth.: ORS 326.215, 339.030, 343.055, 345.535, 433.245, 453.205 & 453.255
Stats. Implemented: ORS 345.525 & 345.535
Hist.: 1EB 109, f. 3-30-64; 1EB 256, f. & ef. 12-20-76; EB 5-1991, f. & cert. ef. 2-28-91

Program of Studies

581-45-535 (1) The curriculum in Grades Kindergarten through 12 shall be such that it considers the goals of modern education as defined in OAR 581-22-201(2) and the requirements of a sound, comprehensive curriculum consistent with the philosophy of the school. Particular emphasis shall be given to establishing the highest practical standards which shall approximate those standards expected of Oregon's public schools as defined in Division 22 except when the standard is contrary to or inconsistent with the school's statement of philosophy. Secondary schools shall establish academic standards necessary for admission to community colleges and institutions of higher education and issuance of a high school diploma. Appropriate guidelines are found in OAR 581-22-316. Courses shall be taught for a period of time equivalent to that required for students attending public schools as defined in OAR 581-22-502 and 581-22-102(33).

(2) Private schools should not knowingly misrepresent their accreditation status.

Stat. Auth.: ORS 326.215, 339.030, 343.055, 345.535, 433.245, 453.205 & 453.255
Stats. Implemented: ORS 345.525 & 345.535
Hist.: 1EB 109, f. 3-30-64; 1EB 256, f. & ef. 12-20-76; EB 5-1991, f. & cert. ef. 2-28-91

Staff Adequacy

581-45-540 The student to teacher ratio shall be sufficient to assure the effectiveness of the educational program.

Stat. Auth.: ORS Ch. 345
Stats. Implemented: ORS 345.525 & 345.535
Hist.: 1EB 109, f. 3-30-64; 1EB 256, f. & ef. 12-20-76

Student Records

581-45-545 The school shall maintain an adequate system of student records in compliance with OAR 581-22-717(3). In the event of permanent school closure, the school shall arrange to transfer permanent student records to the local education service district office, county unit office, local school district, or the Department of Education. A school which closes permanently may use another depository for student records, providing that the Department is notified in writing of the name and location of the depository.

Stat. Auth.: ORS 326.215, 339.030, 343.055, 345.535, 433.245, 453.205 & 453.255
Stats. Implemented: ORS 345.525 & 345.535
Hist.: 1EB 109, f. 3-30-64; 1EB 256, f. & ef. 12-20-76; EB 5-1991, f. & cert. ef. 2-28-91

Transfer of Progress Records

581-45-550 The school shall transfer promptly to any other educational institution all progress records in conformance with ORS 336.215(2). Student records may not be withheld from other institutions because of nonpayment of fees.

Stat. Auth.: ORS 326.215, 339.030, 343.055, 345.535, 433.245, 453.205 & 453.255
Stats. Implemented: ORS 345.525 & 345.535
Hist.: 1EB 109, f. 3-30-64; 1EB 256, f. & ef. 12-20-76; EB 5-1991, f. & cert. ef. 2-28-91

Media Centers

581-45-555 The school shall have instructional media centers to provide services for all students which shall approximate the goals of OAR 581-22-710 except for the requirements of certification of staff.

Stat. Auth.: ORS 326.215, 339.030, 343.055, 345.535, 433.245, 453.205 & 453.255
Stats. Implemented: ORS 345.525 & 345.535
Hist.: 1EB 109, f. 3-30-64; 1EB 256, f. & ef. 12-20-76; EB 5-1991, f. & cert. ef. 2-28-91

Print and Nonprint Materials

581-45-560 Print and nonprint materials, including textbooks, shall be adequate to meet the needs of the instructional program.

Stat. Auth.: ORS Ch. 345
Stats. Implemented: ORS 345.525 & 345.535
Hist.: 1EB 109, f. 3-30-64; 1EB 256, f. & ef. 12-20-76

Denial or Revocation of Registration

581-45-565 In the event that registration or renewal of registration is denied or registration is revoked, the school shall be notified with a statement of the reason(s) for the denial or revocation and a hearing shall be provided under ORS 183.413 to 183.464.

Stat. Auth.: ORS 326.215, 339.030, 343.055, 345.535, 433.245, 453.205 & 453.255

Stats. Implemented: ORS 345.555
Hist.: 1EB 109, f. 3-30-64; 1EB 256, f. & ef. 12-20-76; EB 5-1991, f. & cert. ef. 2-28-91

Site

581-45-570 The school site shall be well-maintained and large enough to provide for school needs to approximate the provisions of OAR 581-22-706 and 581-22-720(3), (4) and (5). A school receiving state or federal funds shall be accessible to disabled persons.

Stat. Auth.: ORS 326.215, 339.030, 343.055, 345.535, 433.245, 453.205 & 453.255
Stats. Implemented: ORS 345.535
Hist.: 1EB 109, f. 3-30-64; 1EB 256, f. & ef. 12-20-76; EB 5-1991, f. & cert. ef. 2-28-91

School Building

581-45-575 The location, condition, and operation of the school building shall be adequate to protect the health and safety of its students, including but not limited to fire protection and safety standards. Guidelines are found in OAR 581-22-706 and 581-22-720, and Section 203 of Title II of the Toxic Substances Control Act, **15 U.S.C. 2643**, regarding asbestos.

[**Publications:** The publication(s) referred to or incorporated by reference in this rule are available from the Department of Education.]

Stat. Auth.: ORS 326.215, 339.030, 343.055, 345.535, 433.245, 453.205 & 453.255
Stats. Implemented: ORS 345.535
Hist.: 1EB 109, f. 3-30-64; 1EB 256, f. & ef. 12-20-76; EB 5-1991, f. & cert. ef. 2-28-91

Equipment and Instructional Materials

581-45-580 (1) Equipment shall be adequate in quality and quantity to achieve the purposes of the educational program.

(2) Classroom furniture shall conform to hygienic requirements and shall be adaptable to classroom activities in accordance with the requirements of the State Board of Health.

(3) Each room shall be equipped with instructional materials, providing the environment appropriate for the work assigned to that room.

(4) Art and craft materials shall comply with the requirements of ORS 453.205, 433.245, and 453.255(1).

Stat. Auth.: ORS 326.215, 339.030, 343.055, 345.535, 433.245, 453.205 & 453.255
Stats. Implemented: ORS 345.535
Hist.: 1EB 109, f. 3-30-64; 1EB 256, f. & ef. 12-20-76; EB 5-1991, f. & cert. ef. 2-28-91

DIVISION 46

VETERANS; GED TESTING AND FEES

581-46-001 [Renumbered to 581-43-530]

581-46-005 [Renumbered to 581-41-011]

581-46-010 [Renumbered to 581-43-600]

DIVISION 47

LICENSING AND REGULATION OF SCHOOLS OF HAIR DESIGN

Definitions
581-47-005 [1EB 266(Temp),
f. & ef. 10-5-77;
1EB 5-1978, f & ef. 1-27-78;
Repealed by 1EB 22-1978,
f. 6-30-78, ef. 7-1-78]

Definitions
581-47-006 [1EB 22-1978, f. 6-30-78, ef. 7-1-78;
1EB 5-1983, f. & ef. 5-6-83;
1EB 33-1986, f. & ef. 7-23-86;
EB 37-1988, f. & cert. ef. 8-5-88;
EB 12-1990, f. & cert. ef. 2-1-90;
Repealed by EB 14-1996,
f. & cert. ef. 7-26-96]

Observance of State, County, and Municipal Regulations
581-47-010 [1EB 266(Temp), f. & ef. 10-5-77;
1EB 5-1978, f. & ef. 1-27-78;
Repealed by 1EB 22-1978,
f. 6-30-78, ef. 7-1-78]

Application for School of Hair Design License
581-47-011 [1EB 22-1978, f. 6-30-78, ef. 7-1-78;
1EB 43-1978, f. 10-31-78, ef. 11-1-78;
1EB 33-1986. f. & ef. 7-23-86;
EB 12-1990, f. & cert. ef. 2-1-90;
Repealed by EB 14-1996,
f. & cert. ef. 7-26-96]

Posting of Licenses Inspection Certificates and Rules
581-47-015 [1EB 266(Temp), f. & ef. 10-5-77;
1EB 5-1978, f. & ef. 1-27-78;
Repealed by 1EB 22-1978,
f. 6-30-78, ef. 7-1-78]

Instructional Program Standards
581-47-016 [1EB 22-1978, f. 6-30-78 ef. 7-1-78;
1EB 44-1978, f. 10-31-78, ef. 11-1-78;
1EB 11-1979, f. & ef. 9-5-79;
1EB 21-1980, f. & ef. 7-15-80;
1EB 7-1981, f. & ef. 4-1-81;
1EB 33-1986, f. & ef. 7-23-86;
EB 37-1988, f. & cert. ef. 8-5-88;
EB 10-1989(Temp),
f. & cert. ef. 3-3-89;
EB 12-1990, f. & cert. ef. 2-1-90;
Repealed by EB 14-1996,
f. & cert. ef. 7-26-96]

Standards for Financial Reporting
581-47-017 [1EB 2-1979, f. & ef. 3-1-79;
EB 12-1990, f. & cert. ef. 2-1-90;
Repealed by EB 14-1996,
f. & cert. ef. 7-26-96]

Prior Contracts Training Requirements Option
581-47-018 [1EB 31-1978(Temp), f. & ef. 9-5-78;
1EB 47-1978, f. & ef. 11-7-78;
Repealed by 1EB 32-1986,
f. & ef. 7-23-86]

Sanitary Requirements
581-47-020 [1EB 266(Temp), f. & ef. 10-5-77;
1EB 5-1978, f. & ef. 1-27-78;
Repealed by 1EB 22-1978,
f. 6-30-78, ef. 7-1-78]

License Fees
581-47-021 [1EB 22-1978 f. 6-30-78, ef. 7-1-78;
1EB 33-1986, f. & ef. 7-23-86;
EB 37-1988, f. & cert. ef. 8-5-88;
EB 11-1989(Temp),
f. & cert. ef. 3-3-89;
EB 12-1990, f. & cert. ef. 2-1-90;
Repealed by EB 14-1996,
f. & cert. ef. 7-26-96]

Building Requirements for Schools
581-47-025 [1EB 266(Temp), f. & ef. 10-5-77;
1EB 5-1978, f. & ef. 1-27-78;
Repealed by 1EB 22-1978,
f. 6-30-78, ef. 7-1-78]

Tuition Protection Fund
581-47-026 [1EB 22-1978, f. 6-30-78, ef. 7-1-78;
1EB 33-1986. f. & ef. 7-3-86;
EB 37-1988, f. & cert. ef. 8-5-88;
EB 12-1990, f. & cert. ef. 2-1-90;
EB 32-1991, f. & cert. ef. 12-18-91;
EB 18-1992(Temp),
f. & cert. ef. 5-13-92;
EB 34-1992, f. & cert. ef. 11-3-92;
Repealed by EB 14-1996,
f. & cert. ef. 7-26-96]

Enforcement
581-47-030 [1EB 266(Temp), f. & ef. 10-5-77;
1EB 5-1978, f. & ef. 1-27-78;
Repealed by 1EB 22-1978,
f. 6-30-78, ef. 7-1-78]

Continuing Education of Teachers Required
581-47-031 [1EB 22-1978, f. 6-30-78, ef. 7-1-78;
1EB 33-1986, f. & ef. 7-3-86;
EB 12-1990, f. & cert. ef. 2-1-90;
Repealed by EB 14-1996,
f. & cert. ef. 7-26-96]

Licenses and Employees
581-47-035 [1EB 266(Temp), f. & ef. 10-5-77;
1EB 5-1978, f. & ef. 1-27-78;
Repealed by 1EB 22-1978,
f. 6-30-78, ef. 7-1-78]

Monitoring by Oregon Department of Education
581-47-036 [1EB 22-1978, f. 6-30-78, ef. 7-1-78;
1EB 33-1986, f. & ef. 7-23-86;
EB 12-1990, f. & cert. ef. 2-1-90;
Repealed by EB 14-1996,
f. & cert. ef. 7-26-96]

Sanitary Standards
S81-47-040 [1EB 266(Temp), f. & ef. 10-5-77;
1EB 5-1978, f. & ef. 1-27-78;
Repealed by 1EB 22-1978,
f. 6-30-78, ef. 7-1-78]

Cancellation and Refund Policies
581-47-041 [1EB 22-1978 f. 6-378, ef. 7-1-78;
1EB 33-1986. f. & ef. 7-23-86;

EB 12-1990, f. & cert. ef. 2-1-90; EB 41-1990, f. & cert. ef. 7-10-90; Repealed by EB 14-1996, f. & cert. ef. 7-26-96]

Inspection Standards

581-47-045 [1EB 266(Temp), f. & ef. 10-5-77; 1EB 5-1978, f. & ef. 1-27-78; Repealed by 1EB 22-1978, f. 6-30-78, ef. 7-1-78]

Standards for Advertising

581-47-046 [1EB 22-1978, f. 6-30-78, ef. 7-1-78; 1EB 46-1978, f. 10-31-78, ef. 78; 1EB 33-1986, f. & ef. 7-23-86; EB 37-1988, f. & cert. ef. 8-5-88; EB 12-1990, f. & cert. ef. 2-1-90; Repealed by EB 14-1996, f. & cert. ef. 7-26-96]

Teaching

581-47-050 [1EB 266(Temp), f. & ef. 10-5-77; 1EB 5-1978, f. & ef. 1-27-78; Repealed by 1EB 22-1978 f. 6-30-78, ef. 7-1-78]

Sales Agent

581-47-051 [1EB 22-1978, f. 6-30-78, ef. 7-1-78; 1EB 33-1986. f. & ef. 7-3-86; EB 12-1990, f. & cert. ef. 2-1-90; Repealed by EB 14-1996, f. & cert. ef. 7-26-96]

Courses of Study

581-47-055 [1EB 266(Temp), f. & ef. 10-5-77; 1EB 5-1978, f. & ef. 1-27-78; Repealed by 1EB 22-1978, f. 6-30-78, ef. 7-1-78]

School Closing/Change of Status

581-47-056 [1EB 22-1978, f. 6-30-78, ef. 7-1-78; 1EB 33-1986, f. &ef. 7-23-86; EB 12-1990, f. & cert. ef. 2-1-90; Repealed by EB 14-1996, f. & cert. ef. 7-26-96]

Fixed Time or Competency Based Completion Administration of Hours

581-47-060 [1EB 266(Temp), f. & ef. 10-5-77; 1EB 5-1978, f. & ef. 1-27-78; Repealed by 1EB 22-1978, f. 6-30-78, ef. 7-1-78]

Standards for Recruitment for Private Vocational Schools and Their Agents

581-47-061 [1EB 22-1978, f. 6-30-78, ef. 7-1-78; EB 12-1990, f. & cert. ef. 2-1-90; Repealed by EB 14-1996, f. & cert. ef. 7-26-96]

Application for School License

581-47-065 [1EB 266(Temp), f. & ef. 10-5-77; 1EB 5-1978, f. & ef 1-27-78; Repealed by 1EB 22-1978, f. 6-30-78, ef. 7-1-78]

Observance of State and Municipal Laws and Regulations Pertaining to Public Health and Safety

581-47-066 [1EB 22-1578, f. 6-30-78, ef. 7-1-78; 1EB 33-1986, f. & ef. 7-23-86; Repealed by EB 12-1990, f. & cert. ef. 2-1-90]

Final Approval

581-47-070 [1EB 266(Temp), f. & ef. 10-5-77; 1EB 5-1978, f. & ef. 1-27-78; Repealed by 1EB 22-1978, f. 6-30-78, ef. 7-1-78]

Posting of Sanitation Inspection Certificates, and Sanitation Rules

581-47-071 [1EB 22-1978, f. 6-30-78, ef. 7-1-78; 1EB 33-1986, f. & ef. 7-23-86; Repealed by EB 14-1996, f. & cert. ef. 7-26-96]

Subsequent Publications and Rules

581-47-075 [1EB 266(Temp), f. & ef. 10-5-77; 1EB 5-1978, f. & ef. 1-27-78; Repealed by 1EB 22-1978, f. 6-30-78, ef. 7-1-78]

Sanitation and Safety

581-47-076 [1EB 22-1978, f. 6-30-78, ef. 7-1-78; 1EB 33-1986, f. & ef. 7-23-86; Repealed by EB 14-1996, f. & cert. ef. 7-26-96]

Student Contracts

581-47-080 [1EB 266(Temp), f. & ef. 10-5-77; 1EB 5-1978, f. & ef. 1-27-78; Repealed by 1EB 22-1978, f. 6-30-78, ef. 7-1-78]

Sanitation and Safety Inspections

581-47-081 [1EB 22-1978, f. 6-30-78, ef. 7-1-78; 1EB 33-1986, f. & ef. 7-23-86; EB 43-1990, f. & cert. ef. 7-12-90; Repealed by EB 14-1996, f. & cert. ef. 7-26-96]

Availability of Program Course Outline and Lesson Plans

581-47-085 [1EB 266(Temp), f. & ef. 10-5-77; 1EB 5-1978, f. & ef. 1-27-78; Repealed by 1EB 22-1978, f. 6-30-78, ef. 7-1-78]

Records and Reports

581-47-090 [1EB 266(Temp), f. & ef. 10-5-77; 1EB 5-1978, f. & ef. 1-27-78; Repealed by 1EB 22-1978, f. 6-30-78, ef. 7-1-78]

Student-Teacher Training

581-47-095 [1EB 266(Temp), f. & ef. 10-5-77; 1EB 5-1978, f. & ef. 1-27-78; Repealed by 1EB 22-1978, f. 6-30-78, ef. 7-1-78]

Student-Teacher Training Course

581-47-100 [1EB 266(Temp), f. & ef. 10-5-77; 1EB 5-1978, f. & ef. 1-7-78; Repealed by 1EB 22-1978, f. 6-30-78, ef. 7-1-78]

Teacher Qualification by Experience

581-47-105 [1EB 266(Temp), f. & ef. 10-5-77;

1EB 5-1978, f. & ef. 1-27-78;
Repealed by 1EB 2-1978,
f. 6-30-78, ef. 7-1-78]

Credits

Credits
581-47-110 [1EB 266(Temp), f. & ef. 10-5-77;
1EB 5-1978, f. & ef. 1-27-78;
Repealed by 1EB 22-1978,
f. 6-30-78, ef. 7-1-78]

Teacher Requirements
581-47-115 [1EB 266(Temp), f. & ef. 10-5-77;
1EB 5-1978, f. & ef. 1-27-78;
Repealed by 1EB 22-1978,
f. 6-30-78, ef. 7-1-78]

Outside Lectures and Demonstrations
581-47-120 [1EB 266(Temp), f. & ef. 10-5-77;
1EB 5-1978, f. & ef. 1-27-78;
Repealed by 1EB 22-1978,
f. 6-30-78, ef. 7-1-78]

Advertising
581-47-125 [1EB 266(Temp), f. & ef. 10-5-77;
1EB 5-1978, f. & ef. 1-27-78;
Repealed by 1EB 22-1978,
f. 6-30-78, ef. 7-1-78]

Relief or Substitute Teachers
581-47-130 [1EB 266(Temp), f. & ef. 10-5-77;
1EB 5-1978, f. & ef. 1-27-78;
Repealed by 1EB 22-1978,
f. 6-30-78, ef. 7-1-78]

List
581-47-135 [1EB 266(Temp), f. & ef. 10-5-77;
1EB 5-1978, f. & ef. 1-27-78;
Repealed by 1EB 22-1978,
f. 6-30-78, ef. 7-1-78]

Procedure
581-47-140 [1EB 266(Temp), f. & ef. 10-5-77;
1EB 5-1978, f. & ef. 1-27-78;
Repealed by 1EB 22-1978,
f. 6-30-78, ef. 7-1-78]

Licensed Teacher Required
581-47-145 [1EB 266(Temp), f. & ef. 10-5-77;
1EB 5-1978, f & ef. 1-27-78;
Repealed by 1EB 22-1978,
f. 6-30-78, ef. 7-1-78]

DIVISION 48

LICENSING AND REGULATION OF SCHOOLS OF BARBERING

Definitions
581-48-006 [1EB 1-1980(Temp), f. & ef. 1-3-80;
1EB 13-1980, f. & ef. 5-7-80;
1EB 35-1986, f. & ef. 7-23-86;
EB 42-1990, f. & cert. ef. 7-10-90;
Repealed by EB 14-1996,
f. & cert. ef. 7-26-96]

School of Barbering Renewal Requirements
581-48-011 [1EB 1-1980(Temp), f. & ef. 1-3-80;
1EB 13-1980, f. & ef. 5-7-80;
1EB 35-1986, f. & ef. 7-23-86;
EB 42-1990, f. & cert. ef. 7-10-90;
Repealed by EB 14-1996,
f. & cert. ef. 7-26-96]

Standards for Licensing
581-48-016 [1EB 1-1980(Temp), f. & ef. 1-3-80;
1EB 13-1980, f. & ef. 5-7-80;
1EB 35-1986, f. & ef. 7-23-86;
EB 12-1989(Temp),
f. & cert. ef. 3-3-89;
EB 42-1990, f. & cert. ef. 7-10-90;
Repealed by EB 14-1996,
f. & cert. ef. 7-26-96]

Prior Contracts — Training Requirements Option
581-48-018 [1EB 1-1980(Temp), f. & ef. 1-3-80;
1EB 13-1980, f. & ef. 5-7-80;
Repealed by 1EB 34-1986,
f. & ef. 7-23-86]

Monitoring by Oregon Department of Education
581-48-021 [1EB 1-1980(Temp), f. & ef. 1-3-80;
1EB 13-1980, f. & ef. 5-7-80;
1EB 35-1986, f. & ef. 7-23-86;
EB 13-1989(Temp),
f. & cert. ef. 3-3-89;
EB 42-1990, f. & cert. ef. 7-10-90;
Repealed by EB 14-1996,
f. & cert. ef. 7-26-96]

Standards for Financial Reporting License Fees
581-48-026 [1EB 1-1980(Temp), f. & ef. 1-3-80;
1EB 13-1980, f. & ef. 5-7-80;
EB 5-1987, f. & ef. 4-6-87;
EB 42-1990, f. & cert. ef. 7-10-90;
EB 32-1991, f. & cert. ef. 12-18-91;
Repealed by EB 14-1996,
f. & cert. ef. 7-26-96]

School Closing/Change of Status
581-48-036 [1EB 1-1980(Temp), f. & ef. 1-3-80;
1EB 13-1980, f. & ef. 5-7-80;
1EB 35-1986, f. & ef. 7-23-86;
EB 42-1990, f. & cert. ef. 7-10-90;
Repealed by EB 14-1996,
f. & cert. ef. 7-26-96]

Cancellation and Refunds Policies
581-48-041 [1EB 1-1980(Temp), f. & ef. 1-3-80;
1EB 13-1980, f. & ef. 5-7-80;
EB 42-1990, f. & cert. ef. 7-10-90;
Repealed by EB 14-1996,
f. & cert. ef. 7-26-96]

Tuition Protection Fund
581-48-042 [EB 32-1991, f. & cert. ef. 12-18-91;
EB 18-1992(Temp),
f. & cert. ef. 5-13-92;
EB 34-1992, f. & cert. ef. 11-3-92;
Repealed by EB 14-1996,
f. & cert. ef. 7-26-96]

Advertising and Promotion
581-48-046 [1EB 1-1980(Temp), f. & ef. 1-3-80;
1EB 13-1980, f. & ef. 5-7-80;
EB 42-1990, f. & cert. ef. 7-10-90;
Repealed by EB 14-1996,
f. & cert. ef. 7-26-96]

Solicitation for Schools of Barbering
581-48-061 [1EB 1-1980(Temp), f. & ef. 1-3-80;
1EB 13-1980, f. & ef. 5-7-80;
EB 42-1990, f. & cert. ef. 7-10-90;
Repealed by EB 14-1996,
f. & cert. ef. 7-26-96]

Safety and Sanitation Compliance and Inspections
581-48-066 [1EB 1-1980(Temp), f. & ef. 1-3-80;
1EB 13-1980, f. & ef. 5-7-80;
EB 42-1990, f. & cert. ef. 7-10-90;
Repealed by EB 14-1996,
f. & cert. ef. 7-26-96]

School Reporting Obligations
581-48-071 [1EB 1-1980(Temp), f. & ef. 1-3-80;
1EB 13-1980, f. & ef. 5-7-80;
1EB 35-1986, f. & ef. 7-23-86;
EB 42-1990, f. & cert. ef. 7-10-90;
Repealed by EB 14-1996,
f. & cert. ef. 7-26-96]

Penalties
581-48-076 [1EB 1-1980(Temp), f. & ef. 1-3-80;
1EB 13-1980, f. & ef. 5-7-80;
1EB 35-1986, f. & ef. 7-23-86;
EB 42-1990, f. & cert. ef. 7-10-90;
Repealed by EB 14-1996,
f. & cert. ef. 7-26-96]

DIVISION 49

STANDARDS FOR THE ACCREDITATION OF EMERGENCY MEDICAL TECHNOLOGY EDUCATION AND TRAINING PROGRAMS

Purpose

581-49-000 (1) The purposes of the rules in this Division are to set the minimum standards with which Emergency Medical Technology (EMT) programs must comply prior to approval of courses by Emergency Medical Services Section of the Oregon Health Division (OHD-EMS) and to set forth the process of accreditation for determining if the offering institution is meeting these standards.

(2) EMT education and training programs are offered by teaching institutions pursuant to OAR 333-265-000 through 333-265-020 effective July 1, 1994, including community colleges, licensed private vocational schools, and institutions of higher education. If OHD-EMS determines that training is not available in a rural area through a teaching institution, hospitals licensed by the Health Division may be authorized to teach basic levels of EMT courses.

(3) The standards in OAR 581-49-000 - 581-49-040 effective (as of date rules are adopted) apply to EMT basic, intermediate, and paramedic levels of education and training offered by or through Oregon community colleges and licensed private vocational schools.

Stat. Auth.: ORS 326.051
Stats. Implemented: ORS 823.130 thru 823.150
Hist.: EB 22-1993, f. & cert. ef. 6-2-93; EB 19-1995, f. & cert. ef. 7-11-95

Definitions

581-49-010 Definitions for the purposes of Division 49:

(1) "Administrator" means a person responsible for all aspects of planning and managing an Emergency Medical Technology (EMT) Program.

(2) "Class" means scheduled meeting of persons for instructional purposes.

(3) "Clinical Experiences" means those experiences acquired by a student during an approved EMT program under the direct supervision of appropriate medical direction and clinical supervision. Experience must include the application of specific knowledge, assessment, and treatment skills required to meet written clinical experience competencies.

(4) "Clinical Preceptor" means a person who has been trained as a preceptor and appointed by an accredited teaching institution and approved by the EMS provider, having the responsibility of supervising and evaluating the performance of an EMT student during the clinical and field internship phases of an EMT course. A preceptor must be a physician, physician assistant, registered nurse, or certified EMT in good standing at or above level for which the student is in training.

(5) "Course" means aggregation of classes to achieve a completed set of competencies as identified by OHD-EMS and established in OAR 333-265-000 et seq. effective July 1, 1994.

(6) "Course Director" means a person who is the principal instructor of an EMT course and is responsible for scheduling lectures and coordinating and arranging clinical rotations and field internships.

(7) "Emergency Medical Technician (EMT)" means a person who has received formal training in prehospital emergency care and is state-certified to attend an ill, injured, or disabled person (ORS 823.020) effective July 1, 1993.

(8) "Field Internship" means those hours and calls acquired by a student during an approved clinical EMT paramedic course under the direct visual supervision of a preceptor. A call shall be accepted when the clinical preceptor providing direct visual supervision has documented and verified satisfac-tory student performance. Calls must include the application of specific assessment and treatment skills required of a certified EMT.

(9) "Guest Lecturer" means a person who presents one or more lectures on specific topics in which the lecturer has personal expertise.

(10) "In Good Standing" means the status of a person who is currently certified or licensed, who does not have any restrictions placed on his/her certificate, and who is not on probation with the certifying or licensing agency for any reason.

(11) "Medical Director" means a licensed physician who shall provide medical direction to the didactic, clinical and field internship portions of an EMT course or serves as the medical director of an EMT, registered nurse or physician assistant associated with a licensed ambulance service. The medical director must meet the qualifications of a supervising physician as defined in OAR 847-35-020 effective January 1, 1995.

(12) "OCCS" means the Office of Community College Services.

(13) "OHD-EMS" means the Emergency Medical Services Section of the Oregon Health Division.

(14) "OPTE" means the Office of Professional Technical Education.

(15) "Patient" means an ill, injured, or disabled person who may be transported in an ambulance.

(16) "Physician" means a person licensed under ORS 677.010, actively registered and in good standing with the Board of Medical Examiners as a Medical Doctor (MD) or Doctor of Osteopathic Medicine (DO).

(17) "Private Vocational Schools Section" means the section within the Oregon Department of Education which has the responsibility for the licensure of private vocational schools (ORS 345.010 to 345.470 effective July 1, 1994).

(18) "Registered Nurse (RN)" means a person licensed under ORS 678.040 effective July 1, 1994, actively registered and in good standing with the Oregon Board of Nursing.

(19) "Scope of Practice" means the maximum level of emergency care that an EMT may provide as set forth in OAR 847-35-030 effective July 1, 1994.

(20) "Teaching Institution" means a two-year community college or a licensed vocational school that is currently licensed and in good standing with the Private Vocational Schools Section of the Office of Professional Technical Education of the Oregon Department of Education.

Stat. Auth.: ORS 326.051
Stats. Implemented: ORS 823.130 thru 823.150

Hist.: EB 22-1993, f. & cert. ef. 6-2-93; EB 19-1995, f. & cert. ef. 7-11-95

Standards

581-49-020 (1) The standards and accreditation process in this rule pertain specifically to EMT programs offered by community colleges (including satellite courses and programs), and licensed private vocational schools.

(2) Each EMT course shall follow, without substantial variation, the OHD-EMS prescribed curriculum for the level of EMT course being presented. The curriculum consists of three components: Didactic instruction, including laboratory skills; supervised clinical experience in health care facilities; and supervised field internship. Didactic instruction and supervised clinical experience are required for Basic and Intermediate level EMT courses. A supervised field internship is required as well as didactic instruction and supervised clinical experience for EMT paramedic level courses. Each curriculum component shall comply with all OHD-EMS requirements for the particular level of EMT certification involved. All psycho-motor skills shall be taught in accordance with the Health Division/OHD-EMS EMT **Skills Manual**:

(a) Didactic Instruction: Each EMT course shall have a written planned course statement that contains course goals and objectives stated in terms of the competencies students will be expected to achieve upon successful completion of the course;

(b) Clinical Experiences: Clinical affiliations shall be established and confirmed in written affiliation agreements between the teaching institution and hospitals and other institutions and agencies that provide clinical experiences for students under appropriate medical direction and clinical supervision:

(A) Goals and identified competencies to be attained shall be written for each clinical rotation site. Students shall be provided a copy of the clinical rotation site goals and competencies prior to each clinical experience;

(B) Students shall be assigned to clinical settings where experiences are educationally efficient and effective in achieving the program's goals and objectives;

(C) Students in clinical settings shall be supervised by appropriate medical personnel or by an instructor from the program as outlined in the written affiliation agreement. The ratio of students to instructors in the clinical facilities shall be adequate to ensure effective learning.

(c) Field Internship: A field internship shall be established for each student for whom such is required by OHD-EMS. The internship shall meet requirements established by OHD-EMS and defined in OAR 333-265-010(f)(C)(iii) effective July 1, 1994.

(A) The school shall enter into written agreements for clinical experiences and field internships that provide sufficient clinical experiences and field internships to permit every student enrolled to complete these requirements within the timeframe of the approved course;

(B) All field internships will occur within an emergency medical system which demonstrates medical accountability. A clinical preceptor shall be assigned to supervise each student intern. The preceptor's qualifications shall meet guidelines set by OHD-EMS;

(C) Written goals and competencies to be attained shall be established for all field internships. Copies shall be provided the student and the student's assigned preceptor. These competencies shall meet requirements of OHD-EMS as stated in OAR 333-265-010 effective July 1, 1994.

(3) Program Administrator: Each program shall have a qualified program administrator primarily responsible for managing all aspects of the program, whose responsibilities include, but are not limited to, the organization, administration, and evaluation of the program. Acquisition of adequate resources and staff to assure a quality program is a primary responsibility of the program administrator.

(4) The intent of section (3) of this rule is to assure that appropriate officials of the sponsoring teaching institution are directly involved in program planning and management and to provide OHD-EMS and OPTE-OCCS with a single focus for resolution of problems arising as a result of EMT program delivery.

(5) The program administrator shall be a senior manager or administrative officer with general managerial responsibility who has training and experience in education administration and evaluation (i.e., dean, associate dean, administrator, or associate administrator).

(6) Course Director: Each course shall have a course director who shall be the principle teacher for the course. The course director shall be responsible for all aspects of course planning and delivery. The course director shall meet the requirements as outlined in OAR 333-265-020(f)(C)(iii) effective July 1, 1994.

(7) Guest Lecturers: These are individuals who do not regularly assist in the delivery of EMT education and training who present one or more lectures on specific topics in which they possess personal expertise. Guest lecturers do not need to have any particular level of certification. It is the responsibility of the course director to establish that each guest lecturer possesses the necessary expertise and teaches in compliance with all course standards.

(8) Medical Director: Each EMT education and training program shall have a medical director, who shall advise the program administrator and course director on medical aspects of the EMT program. The medical director shall currently be approved by OHD-EMS as an EMT supervising physician.

(9) Continuing Education for Faculty and Staff. It is recommended that financial support be provided for faculty education required to keep mandatory certifications current.

(10) Financial Resources: The operational budget for the program shall be sufficient to maintain the continuous operation of the EMT program.

(11) Facilities: Classroom, laboratories, administrative, and faculty offices shall be provided with sufficient space to accommodate the number of students enrolled in the program and the program faculty:

(a) Classrooms shall be clean and have adequate lighting, ventilation, and storage for instructional materials and equipment. Furniture should be in good repair and comfortable with appropriate writing surfaces;

(b) Laboratory space shall be available for students to practice skills. This may be the same room as the classroom, providing there is adequate space for students to perform the required skills (e.g., CPR, patient packaging, splinting, etc.). Floors, where skills are practiced, shall be covered with carpet or other appropriate protective materials. Running water shall be available in the class/lab facility. The room should meet all Oregon-Occupational Safety and Health Administrative standards for safety;

(c) Each classroom site shall have sufficient toilet facilities to reasonably accommodate the number of students enrolled in the course;

(d) Administrative staff and faculty shall be provided adequate office space to manage the program, keep adequate records and instructional materials, and prepare lesson plans. Space should also be provided for confidential faculty/student conferences.

(12) Instructional Aids, Supplies, and Materials: Sufficient up-to-date instructional aids, supplies, and materials shall be provided to facilitate learning for the number of students in the program and the level of EMT course being offered:

(a) Teaching aids and instructional materials shall be readily available to the instructor;

(b) Adequate AV materials and equipment shall be available for instructor and student use;

(c) Independent study areas with TV monitors/audio outlets shall be available for student use as needed for make-up work and independent study;

(d) The budget shall provide for supplies and annual updating of instructional materials.

(13) Equipment: Each EMT course shall be supported by the prescribed quantity of equipment necessary to support the level of EMT education and training being provided. Required equipment shall be specified by OHD-EMS:

(a) Equipment shall be technologically up-to-date and readily accessible to faculty and students;

(b) All equipment shall be kept in good repair;

(c) An annual and long-term budget for capital equipment shall be in place to maintain and provide for replacement of equipment.

(14) Support Services: Support services necessary to ensure student success shall be made available to students in the EMT program. These services include, but are not limited to:

(a) A library with appropriate up-to-date periodicals and books open during hours which will provide maximum accessibility to students;

(b) Counseling staff available for academic and career planning;

(c) Tutoring assistance available on an "as needed" basis;

(d) Funding and staff time available for student recruitment, selection, and placement procedures. It is required that students pass reading and math placement tests at appropriate levels for each course prior to acceptance into the program.

(15) Admission Policies and Procedures: Admission of students shall be made in accordance with clearly defined and published practices of the institution. Specific academic and technical requirements for admission shall also be clearly defined and published. The standards and prerequisites shall be made known to all potential program applicants.

(16) Program Information: Accurate information regarding program requirements, tuition and fees, institutional and programmatic policies, procedures and supportive services shall be available upon request to all prospective students and be provided to all enrolled students. It is recommended that this information be compiled in an EMT student handbook.

(17) Program Descriptions: A description of each EMT course, a statement outlining course competencies, course outlines, class and laboratory schedules, clinical and field internship experience schedules, and teaching plans shall be on file and available to candidates and enrolled students;

(18) Equal Opportunity: The program shall comply with ORS 659.150 effective January 1, 1995 and shall not discriminate with respect to race, religion, sex, marital status, age, disabling condition, or national origin.

(19) Evaluation: Each approved course shall provide the number of written and practical examinations prescribed by OHD-EMS. The content of examinations for each level of EMT course shall be prescribed by OHD-EMS:

(a) Each approved course shall culminate in written and practical certification examinations prescribed by the OHD-EMS. For academic purposes, a teaching institution may administer its own final written and practical examination prior to the conduct of OHD-EMS certification examinations;

(b) The written certification examination shall be administered by a proctor provided by the teaching institution. The proctor shall be subject to the approval of the OHD-EMS, shall not be certified as an EMT at any level, and shall not be otherwise involved in the delivery of EMT training;

(c) Evaluators for the final practical examination shall be individuals meeting the requirements prescribed by OHD-EMS to serve as final practical examination evaluators. An OHD-EMS representative shall be present at final practical examinations and shall provide evaluation instruments to be used in the conduct of all final practical evaluations.

(20) Job Search and Placement: Students who successfully complete the program shall be provided access to job search and placement services.

(21) Advisory Committee: Each program shall have an advisory committee to provide guidance and information regarding local community practices and needs:

(a) The advisory committee shall consist of representatives from local employers of EMT personnel, current or former students, and other community members as appropriate. The medical director shall be a member of the advisory committee and serve as a primary source of information. A roster of the advisory committee members, their place of employment and phone numbers shall be kept on file and easily accessible;

(b) The advisory committee shall meet a minimum of three times each year and minutes of the meeting shall be recorded and kept on file.

(22) A safe working and learning environment shall be provided to all students and staff so that students learn to be safety conscious in the classroom and carry that consciousness into practice in clinical and internship experiences and

ultimately into the profession:

(a) Safety Policy: The teaching institution shall have a safety policy that meets all state and federal requirements. The teaching institution shall identify an administrator who is responsible for monitoring the safety policy and assures that regular safety inspections are made and documented;

(b) Instructional Activities: All instructional activities (i.e., didactic, clinical, and internship) shall be carried on in accordance with the Oregon Safe Employment Act, OR-OSHA standards, and ORS 656.046 effective January 1, 1995, which requires coverage of persons in college work experience and vocational educational programs;

(c) Curriculum: Occupational safety shall be an integral part of the curriculum;

(d) Insurance: Each student enrolled in the program shall be covered by professional liability insurance in the amount of not less than $1,000,000 per occurrence. Copies of insurance policies documenting the coverage shall be on file at the institution.

(23) The institution shall maintain complete, accurate student records in a safe, secure place within the educational institution:

(a) The following records shall be maintained until the student has been certified by OHD-EMS at the level corresponding to the education program or for a minimum of five years following the student's enrollment in the program:

(A) Student admission into the program;

(B) Class attendance;

(C) Evidence of competencies attained throughout the program;

(D) Copies of examinations and assessments throughout the program;

(E) Evidence of satisfactory completion of all didactic, clinical, and field internship requirements.

(b) A record of all grades and credits earned by each student shall be kept permanently by the institution;

(c) All records shall be confidentially maintained in accordance with Family Education Rights and Privacy Act.

(24) To assure a high quality program it is essential that all aspects of the program be evaluated on both an ongoing and periodic basis:

(a) The teaching institution shall establish processes to evaluate on an ongoing basis the effectiveness of the instructional program. These will include gathering evaluative data from students, administrators, clinical supervisors, intern preceptors and advisory committee members. Follow-up surveys of graduates and the employers of graduates shall be conducted to evaluate the effectiveness of the curriculum, teaching, and the services offered by the institution. Data gathered through these processes should be analyzed and utilized for program improvement;

(b) Every EMT program shall be evaluated through a process of accreditation at least once every five years. This process shall occur as outlined in OAR 581-49-030 effective (date these rules are adopted).

Stat. Auth.: ORS 326.051
Stats. Implemented: ORS 823.130 thru 823.150
Hist.: EB 22-1993, f. & cert. ef. 6-2-93; EB 28-1993, f. & cert. ef. 9-29-93; EB 19-1995, f. & cert. ef. 7-11-95

Process of Accreditation

581-49-030 The purpose of the accreditation process is to assure quality Emergency Medical Technology Educational programs and to provide recognition for those programs which meet or exceed the minimum standards as outlined in these rules. The accreditation process shall consist of two components, an internal self-study conducted by the teaching institution, and an external evaluation conducted by an accreditation team:

(1) Self-Study: The teaching institution shall complete an internal review of the EMT program that will result in a self-study which documents that the program meets the minimum requirements as outlined in these rules. The self-study will be sent to the OPTE at least 30 days prior to the date set for the external team visit. Guidelines for preparing the self-study can be obtained from the OPTE-OCCS.

(2) External Evaluation Review Team: The review team shall consist of at least three people, an OPTE-OCCS assigned coordinator, and EMT 4 who has had active field patient care experience and is knowledgeable regarding educational needs and issues related to EMT training, and an education curriculum person designated by the OPTE-OCCS. The team will:

(a) Review the self-study completed by the institution prior to the site visit;

(b) Participate in a site visit where the team will confirm that the information in the self-study is accurate and meets the minimum requirements set forth in these rules; and

(c) Report to the associate superintendent, OPTE-OCCS, the team findings, specifically identifying strengths, weaknesses, and any deficiencies of the program. The associate superintendent shall send a copy of the report, along with a letter of accreditation status, to the chief administrative officer of the institution in which the program is located. A copy of the letter and report also will be sent to OHD-EMS.

(3) Site Team Coordinator: The role of the coordinator will be to:

(a) Work with the institution's program administrator to schedule the site visit;

(b) Select and orient the review team members;

(c) Serve as a team leader on the site visit;

(d) Conduct an exit interview summarizing the team's findings;

(e) Coordinate the writing of the team report and provide it to the associate superintendent who will send a copy to the chief administrative officer of the institution within 30 days of the site visit; and

(f) Conduct follow-up activities as necessary.

Stat. Auth.: ORS 326.051
Stats. Implemented: ORS 823.130 thru 823.150
Hist.: EB 22-1993, f. & cert. ef. 6-2-93

Deficiencies

581-49-040 (1) If deficiencies are reported by the External Evaluation Review Team, the program has 90 days from the date the report was received by the chief administrative officer to correct the deficiencies. The institution shall not start any new courses until the deficiencies are corrected or a detailed plan to correct each deficiency has been submitted reviewed and accepted by OPTE/OCCS.

(2) If the chief administrative officer disputes the reported deficiencies, he or she may request, within ten days from the date the report was received, a hearing which shall be held in accordance with ORS Chapter 183 effective January 1, 1995.

(3) If deficiencies are not corrected within 90 days or an approved plan to correct the deficiency(s) has not been submitted to OPTE/OCCS, the program accreditation shall be revoked after a hearing held in accordance with ORS Chapter 183 effective January 1, 1995.

(4) The associate superintendent may issue an interim order prohibiting the teaching institution from starting any new classes or accepting any new students until either the deficiencies are corrected or a hearings officer determines that the alleged deficiencies did not occur.

Stat. Auth.: ORS 326.051
Stats. Implemented: ORS 823.130 thru 823.150
Hist.: EB 22-1993, f. & cert. ef. 6-2-93; EB 19-1995, f. & cert. ef. 7-11-95

DIVISION 51

SCHOOL FOOD AND NUTRITION SERVICES

[**ED. NOTE:** The following Administrative Orders relating to School Food and Nutrition Services were previously adopted by the Department of Education: 1EB 24, filed 1-19-60; 1EB 69, filed 8-18-61; and 1EB 70, filed l9-18-61.]

School Food and Nutrition Services

581-51-005 [1EB 118, f. 11-28-67, ef. 12-25-67; 1EB 132, f. 5-12-72, ef. 6-1-72; Repealed by 1EB 249, f. & ef. 9-23-76]

Operation of the School Lunch Program Under the National School Lunch Act

581-51-010 [1EB 118, f. 11-28-67, ef. 12-25-67; 1EB 132, f. 5-12-72, ef. 6-1-72; 1EB 152(Temp), f. 6-29-73, ef. 7-20-73; 1EB 157, f. 9-20-73, ef. 10-15-73; Repealed by 1EB 249, f. & ef. 9-23-76]

Operation of School Food Services Under a "Food Only" Program

581-51-015 [EB1 118, f. 11-28-67, ef. 12-25-67; 1EB 132, f. 5-19-72, ef. 6-1-72; Repealed by 1EB 249, f. & ef. 9-23-76]

Donated Food Distribution Program

581-51-020 [EB1 118, f. 11-28-67, ef. 12-25-67; 1EB 132, f. 5-12-72, ef. 6-1-72; Repealed by 1EB 249, f. & ef. 9-23-76]

The Special Milk Program

581-51-025 [EB1 118, f. 11-28-67, ef. 12-25-67; 1EB 132, f. 5-12-72, ef. 6-1-72; 1EB 152(Temp), f. 6-29-73, ef. 7-20-73; 1EB 157, f. 9-20-73, ef. 10-15-73; Repealed by 1EB 249, f. & ef. 9-23-76]

Operation of the School Breakfast Program Under the Nutrition Act of 1966

581-51-030 [EB1 118, f. 11-28-67, ef. 12-25-67; 1EB 132, f. 5-19-72, ef. 6-1-72; EB 162, f. 12-17-73, ef. 1-11-74; Repealed by 1EB 249, f. & ef. 9-23-76]

Nonfood Assistance Program

581-51-035 [EB1 118, f. 11-28-67, ef. 12-25-67; 1EB 132, f. 5-19-72, ef. 6-1-72; Repealed by 1EB 249, f. & ef. 9-23-76]

Definitions

581-51-040 [EB1 249, f. & ef. 9-23-76; Repealed by 1EB 2-1986, f. 1-7-86, ef. 1-8-86]

Legal Responsibility

581-51-045 [EB1 249, f. & ef. 9-23-76; Repealed by 1EB 2-1986, f. 1-7-86, ef. 1-8-86]

Operation of the School Lunch Program Under the National School Lunch Act

581-51-050 [EB1 249, f. & ef. 9-23-76; Repealed by 1EB 2-1986, f. 1-7-86, ef. 1-8-86]

Operation of School Food Services Under a "Food Only" Program

581-51-055 [EB1 249, f. & ef. 9-23-76; Repealed by 1EB 2-1986, f. 1-7-86, ef. 1-8-86]

Donated Food Distribution Program

581-51-060 [EB1 249, f. & ef. 9-23-76; Repealed by 1EB 2-1986, f. 1-7-86, ef. 1-8-86]

The Special Milk Program

581-51-065 [EB1 249, f. & ef. 9-23-76; Repealed by 1EB 2-1986, f. 1-7-86, ef. 1-8-86]

Operation of the School Breakfast Program Under the Child Nutrition Act of 1966

581-51-070 [EB1 249, f. & ef. 9-23-76; Repealed by 1EB 2-1986, f. 1-7-86, ef. 1-8-86]

Nonfood Assistance Program

581-51-075 [EB1 249, f. & ef. 9-23-76; Repealed by 1EB 2-1986, f. 1-7-86, ef. 1-8-86]

School Nutrition Programs

581-51-100 (1) Authority and direction for the operation of school nutrition programs in Oregon shall be derived from the United States Department of Agriculture, the Oregon Revised Statutes, Oregon Administrative Rules and rules of district school boards.

(2) Claims for reimbursement by schools participating in the USDA School Nutrition Programs:

(a) Shall be submitted on the form provided by the Oregon Department of Education; and

(b) Must be received in the Oregon Department of Education by the fifteenth day of the month following the month for which claim is made.

(3) The sale of other competitive foods shall not be allowed during the breakfast and/or lunch periods unless the funds accrue to the nonprofit food service program, the school or student organizations as may be defined by the district school board.

(4) The sale of items from the USDA Categories of Foods of Minimal Nutritional Value during the breakfast and/or lunch periods in the food service area is prohibited. However, if approved by the school district board, foods of minimal nutritional value may be sold outside the food service area during the breakfast and/or lunch periods, and may be offered in an offer vs. serve program. A copy of the Board action of approval must be filed with the School Nutrition Programs Section, Oregon Department of Education.

Stat. Auth.: ORS Ch. 326 & 327
Stats. Implemented: ORS 327.137
Hist.: 1EB 2-1986, f. 1-7-86, ef. 1-8-86

School Food Service Sanitation Standards

Definitions
581-51-200 [EB 15-1987, f. & ef. 7-30-87; Repealed by EB 2-1996, f. & cert. ef. 1-29-96]

Food Source
581-51-205 [EB 15-1987, f. & ef. 7-30-87; Repealed by EB 2-1996, f. & cert. ef. 1-29-96]

Additives and Adulterants
581-51-210 [EB 15-1987, f. & ef. 7-30-87; Repealed by EB 2-1996, f. & cert. ef. 1-29-96]

Food Protection (03-09)

Serving of Food and Drink
581-51-215 [EB 15-1987, f. & ef. 7-30-87; Repealed by EB 2-1996, f. & cert. ef. 1-29-96]

Transportation of Food and Drink
581-51-220 [EB 15-1987, f. & ef. 7-30-87; Repealed by EB 2-1996, f. & cert. ef. 1-29-96]

Refrigeration
581-51-225 [EB 15-1987, f. & ef. 7-30-87; Repealed by EB 2-1996, f. & cert. ef. 1-29-96]

Personnel and Student Food Workers (10-12)
581-51-230 [EB 15-1987, f. & ef. 7-30-87; Repealed by EB 2-1996, f. & cert. ef. 1-29-96]

Food Equipment and Utensils — Sanitizing (13-23)

Construction of Utensils and Equipment
581-51-235 [EB 15-1987, f. & ef. 7-30-87; Repealed by EB 2-1996, f. & cert. ef. 1-29-96]

Cleaning and Microbicidal Treatment of Utensils and Equipment
581-51-240 [B 15-1987, f. & ef. 7-30-87; Repealed by EB 2-1996, f. & cert. ef. 1-29-96]

Storage and Handling of Utensils and Equipment
581-51-245 [EB 15-1987, f. & ef. 7-30-87; Repealed by EB 2-1996, f. & cert. ef. 1-29-96]

Water, Sewage and Plumbing (24-28)

Water Supply
581-51-250 [EB 15-1987, f. & ef. 7-30-87; Repealed by EB 2-1996, f. & cert. ef. 1-29-96]

Disposal of Wastes
581-51-255 [EB 15-1987, f. & ef. 7-30-87; Repealed by EB 2-1996, f. & cert. ef. 1-29-96]

Toilet and Handwashing Facilities (29-30)

Toilet Facilities
581-51-260 [EB 15-1987, f. & ef. 7-30-87; Repealed by EB 2-1996, f. & cert. ef. 1-29-96]

Lavatory Facilities
581-51-265 [EB 15-1987, f. & ef. 7-30-87; Repealed by EB 2-1996, f. & cert. ef. 1-29-96]

Garbage and Refuse Disposal (31-32)
581-51-270 [EB 15-1987, f. & ef. 7-30-87; Repealed by EB 2-1996, f. & cert. ef. 1-29-96]

Insect and Rodent, Animal Control (33)
581-51-275 [EB 15-1987, f. & ef. 7-30-87; Repealed by EB 2-1996, f. & cert. ef. 1-29-96]

Floors, Walls and Ceilings (34-37)

Floors
581-51-280 [EB 15-1987, f. & ef. 7-30-87; Repealed by EB 2-1996, f. & cert. ef. 1-29-96]

Walls and Ceilings
581-51-285 [EB 15-1987, f. & ef. 7-30-87; Repealed by EB 2-1996, f. & cert. ef. 1-29-96]

Lighting and Ventilation (38-39)

Lighting
581-51-290 [EB 15-1987, f. & ef. 7-30-87; Repealed by EB 2-1996, f. & cert. ef. 1-29-96]

Ventilation
581-51-295 [EB 15-1987, f. & ef. 7-30-87; Repealed by EB 2-1996, f. & cert. ef. 1-29-96]

Housekeeping

Housekeeping (40-43)
581-51-300 [EB 15-1987, f. & ef. 7-30-87; Repealed by EB 2-1996, f. & cert. ef. 1-29-96]

Inspection Procedures

Definitions
581-51-305 (1) All school food service facilities and school food service satellite facilities are required to adhere to relevant (as defined by the Health Division and the Oregon Department of Education in: "Guidance for School Food Service

Facility Inspections") Oregon Health Division, Oregon Administrative Rules, Chapter 333, Food Sanitation Rules, as adopted November 1, 1995.

(2) Definitions:

(a) "Department" means the Oregon Department of Education;

(b) "Division," "administrator," "assistant director" all mean the Oregon State Health Division or delegated or contracted county health authority;

(c) "School" means any publicly financed or private or parochial nonprofit school or facility used for the purpose of school instruction, from preschool through twelfth grade. The definition does not include a private residence in which parents teach their own natural or legally adopted children;

(d) "School food service facility" means a facility used to prepare and receive food for immediate consumption by students, staff or guests of a public or private school including a school satellite;

(e) "School satellite facility" means a facility at a public or private school which assembles and distributes food that is substantially prepared at another site.

Stat. Auth.: ORS Chapter 326
Stats. Implemented: Implementing federal act or regulation
Hist.: EB 15-1987, f. & ef. 7-30-87; EB 2-1996, f. & cert. ef. 1-29-96

Inspection Procedures

581-51-310 (1) Every private and public school shall have a complete sanitation inspection of their food service facility and satellite facility at least one time annually when the school food service is in operation. Inspection reports shall be provided to the building principal, the district superintendent, and the food service manager.

(2) Sanitation inspections shall be conducted by the local health department or the State Health Division either directly or through contract with a registered sanitarian.

(3) The cost of sanitation inspections shall be the responsibility of each individual school or district.

(4) The local health department or State Health Division shall provide to the Department of Education, Child Nutrition Division, an annual report of sanitation inspections conducted.

Stat. Auth.: ORS Chapter 326
Stats. Implemented: Implementing federal act or regulation
Hist.: EB 15-1987, f. & ef. 7-30-87; EB 2-1996, f. & cert. ef. 1-29-96

Approved Alternative Procedures

581-51-315 [EB 15-1987, f. & ef. 7-30-87;
Repealed by EB 2-1996,
f. & cert. ef. 1-29-96]

Compliance Notification

581-51-320 [EB 15-1987, f. & ef. 7-30-87;
Repealed by EB 2-1996,
f. & cert. ef. 1-29-96]

Noncompliance Notification

581-51-325 [EB 15-1987, f. & ef. 7-30-87;
Repealed by EB 2-1996,
f. & cert. ef. 1-29-96]

Plan Review

581-51-330 [EB 15, 1987, f. & ef. 7-30-87;
Repealed by EB 4-1996,
f. & cert. ef. 3-4-96]

Breakfast Programs

581-51-400 This rule outlines the criteria for a waiver from the breakfast program:

(1) As used in this rule:

(a) "Site" means the school where the children participating in the United States Department of Agriculture (USDA) lunch program are enrolled;

(b) "Lunch" means USDA reimbursable lunch;

(c) "Breakfast" means USDA reimbursable breakfast.

(2) A school district may apply to the State Board of Education for a waiver from providing a breakfast program for all or for particular grade levels if it is financially unable to implement a breakfast program.

(3) A request to the State Board of Education for a waiver shall be made by the local school superintendent or designee and contain at least the following:

(a) A projected revenue and expense statement for one year for the breakfast program including descriptions of each line item;

(b) Copy of one month's menus;

(c) Copy of the staffing pattern for the breakfast program;

(d) Projected breakfast participation levels and the percentage of those qualifying for free, reduced-price and paid meals;

(e) Number of students currently approved for free and reduced price for the National School Lunch Program;

(f) Anticipated breakfast charges for paid and reduced-price meals;

(g) A statement explaining why the school district is financially unable to provide the breakfast program.

(4) The criteria for granting a waiver may include, but not be limited to:

(a) The district has been required to reduce programs or personnel since July 1, 1991 in order to maintain required educational programs;

(b) The district's tax rate, audited per pupil expenditure, and assessed value per pupil for the last three years as compared to the state average of districts of like size and type.

(5) For each request received, the State Superintendent shall make a recommendation to the State Board of Education based on the data submitted by the requesting district.

(6) The State Board of Education, upon review of the Superintendent's recommendations and data submitted by requesting districts, may grant a waiver for a period not to exceed two years, after which the district may submit a request for an extension of the waiver for an additional year.

Stat. Auth.: OL 1991, Ch. 500
Stats. Implemented: ORS
Hist.: EB 13-1992, f. & cert. ef. 4-7-92

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TABLE 1
(581-51-240)

Sanitizing Solution Concentration (20-4 Sanitized, critical)

	Chlorine	Iodine	Quaternary Ammonium
1. Dishwqasher with chemical sanitizer	50 - 100 ppm	12.5 - 25 ppm	—
2. Solution for wiping cloths	100 - 200 ppm	25 - 50 ppm	200 ppm
3. Solution for spray spray sanitizing equipment	100 - 200 ppm	25 - 50 ppm	200 ppm

DIVISION 52

HEALTH AND PHYSICAL INSTRUCTION PROGRAMS

Health Education Program
581-52-005 [1 EB 118, f. 11-28-67, ef. 12-25-67;
1 EB 131, f. 5-12-72, ef. 6-1-72;]
Repealed by 1 EB 250,
f. & ef. 9-23-76]

State Direction of Program
581-52-010 [1 EB 118, f. 11-28-67, ef. 12-25-67;
1 EB 131, f. 5-12-72, ef. 6-1-72;]
Repealed by 1 EB 250,
f. & ef. 9-23-76]

Health Education Requirements
581-52-015 [1 EB 118, f. 11-28-67, ef. 12-25-67;
1 EB 131, f. 5-12-72, ef. 6-1-72;]
Repealed by 1 EB 250,
f. & ef. 9-23-76]

Excuse from Participation in Health Education Programs
581-52-016 [1 EB 148, f. 3-29-73, ef. 4-15-73;
Repealed by 1 EB 250,
f. & ef. 9-23-76]

Physical Education Program
581-52-020 [1 EB 118, f. 11-28-67, ef. 12-25-67;
1 EB 131, f. 5-12-72, ef. 6-1-72;]
Repealed by 1 EB 250,
f. & ef. 9-23-76]

State Direction of Program
581-52-025 [1 EB 118, f. 11-28-67, ef. 12-25-67;
1 EB 131, f. 5-12-72, ef. 6-1-72;]
1 EB 149, f. 3-26-73, ef. 4-15-73;]
Repealed by 1 EB 250,
f. & ef. 9-23-76]

Physical Education Requirements
581-52-030 [1 EB 118, f. 11-28-67, ef. 12-25-67;
1 EB 131, f. 5-12-72, ef. 6-1-72;]
Repealed by 1 EB 250,
f. & ef. 9-23-76]

Excuse from Participation in Physical Education Programs
581-52-035 [1 EB 118, f. 11-28-67, ef. 12-25-67;
1 EB 131, f. 5-12-72, ef. 6-1-72;]
Repealed by 1 EB 250,
f. & ef. 9-23-76]

DIVISION 53

SCHOOL BUS DRIVER TRAINING, LICENSING, AND SCHOOL BUS STANDARDS

Administration of Pupil Transportation

581-53-002 (1) Definitions of terms used in OAR 581-53-002 through 581-53-550 shall be as follows:

(a) A school bus shall be as defined in ORS 801.460;

(b) A school activity vehicle shall be as defined in ORS 801.455;

(c) Pupil transporting vehicles shall include all school buses as well as other vehicles which are owned or under contract with school districts, private or parochial schools and are used to transport pupils to or from school or an authorized school activity or function.

(2) School districts shall provide transportation in compliance with all applicable laws and administrative rules.

(3) School districts or other employers shall require or knowingly permit any person to operate a school bus or other pupil transporting vehicle in violation of any applicable rules of the Oregon Department of Education or Oregon laws.

(4) School districts shall adopt and implement written transportation policy, including provisions regarding student suspensions and expulsions from district-provided transportation:

(a) Written transportation suspension and expulsion policy shall include at least the following:

(A) Definitions for the terms suspension and expulsion from district-provided transportation services and identify the specific applicable time limits; and

(B) Identification of criteria used for student suspension and expulsion from district-provided pupil transportation services; and

(C) Special provisions for the application of the policy to students receiving services under the Individuals with Disabilities Education Act; ORS 339.250 and 343.363; or

(b) An adoption as local board policy all elements listed below:

(A) Students may be suspended from district-provided pupil transportation services when such suspensions are executed within the provisions contained in OAR 581-21-065(1) through (3) and all applicable procedures are consistent with section (9) of this rule, OAR 581-53-010, and the Individuals with Disabilities Education Act;

(B) The school district boards shall limit the term of a suspension for a specific incident to a specific number of days. The maximum shall not exceed ten school days when transportation is provided;

(C) Upon the occurrence within one school year of a subsequent incident or any occurrence of a severe disciplinary problem constituting a demonstrable safety hazard for the pupil transporting vehicle or persons inside/outside the vehicle, the student may be expelled from district-provided transportation services for a period not to exceed one school year. Parent notification and procedural rules for year-long length expulsions must be included in local board approved transportation policy and must comply with those set forth for student expulsion in OAR 581-21-070. An expulsion may extend into a second term or semester if the current term or semester ends within such a short period of time that the expulsion would be too short to be effective;

(D) Suspensions and expulsions shall be ordered by the school board, the executive officer of the school district or his or her designated representative. The district school board shall have the right of final review if the action is not taken by the school board itself. The school board may affirm, amend, modify, or rescind any suspension or expulsion order.

(5) School buses and all other pupil transporting vehicles shall be maintained in safe operating condition and shall meet or exceed the minimum standards in effect at the time of purchase plus any subsequent rules applicable to the vehicle.

(6) Any additions of vehicle equipment or alterations in the vehicle construction not provided for in the applicable Minimum Standards for Oregon School Buses or school activity vehicles are prohibited without prior approval from the Oregon Department of Education.

(7) All school buses and school activity vehicles which will be transporting students for the first time in a school system must conform, or be made to conform within thirty days of notice of nonconformity, to the Minimum Standards for Oregon School Buses or school activity vehicles currently in force as they apply to each vehicle. Oregon Department of Education personnel may give a written order that a vehicle is unsafe and shall not be used to transport students when there is reason to believe that a deficiency is such that continued operation of the vehicle may jeopardize the safety of students or public. The vehicle owner shall notify the Oregon Department of Education that the deficiency is corrected before transporting students.

(8) Vehicle maintenance records shall be kept for each vehicle used to transport students. These records shall be available to Department of Education personnel upon request. The following minimum information shall be kept for each vehicle by date and mileage at the time of service, adjustment or repair:

(a) Chassis lubrications;

(b) Engine oil and filter changes;

(c) Major engine tune-ups and repairs;

(d) All adjustment, service and repair of brake system;

(e) All adjustment, service and repair of steering mechanism and other related parts;

(f) Tires; and

(g) Drive train components.

(9) A seat that fully supports the passenger shall be provided for every passenger on all pupil transporting vehicles. Seating is not permitted on any portion of the vehicle not designed for that purpose. Passengers shall not be permitted to stand while vehicle is in motion.

(10) Safety instruction:

(a) All regularly transported pupils in schools which provide pupil transportation shall receive the following instruction at least once within the first six weeks of the first half and once within the first six weeks of the second half of each school year:

(A) Safe bus riding procedures, including but not limited to loading, unloading, crossing, etc.;

(B) Use of emergency exits; and

(C) Planned and orderly evacuation of the bus in case of emergency, including participation in actual evacuation drills.

(b) All pupils in schools where pupil transportation is provided who are not regularly transported shall receive the following instruction at least once in the first half of each school year:

(A) Safe bus riding procedures; and

(B) Use of emergency exits;

(C) Records listing safety instruction course content and dates of training shall be maintained locally.

(11) All school buses manufactured prior to September 1, 1979 shall be equipped to meet all requirements of the applicable minimum standards for Oregon school buses in effect on that date.

(12) School systems shall provide for the required training, examination and testing of their school bus and school activity vehicle drivers to comply with Oregon Department of Education rules. Appropriate specialized training designed for special needs transportation shall be provided prior to allowing drivers to transport students with disabilities. Records to document training and testing shall be maintained by school systems. Such records shall be made part of each driver's driver-training record file. Records shall be made available to Oregon Department of Education personnel or the driver upon request.

(13) School districts or contractors employing school bus drivers or Type 10 or 20 school activity vehicles drivers shall immediately notify the Department of Education if they have reason to believe any change in the driver(s) criminal or driving records has occurred which could affect their ability to:

(a) Maintain a school bus driver permit or certificate under the provisions of OAR 581-53-006(8); or

(b) Meet the requirements listed in OAR 581-53-545 and 581-53-550 for activity vehicle drivers.

(14) Schools or contractors selling a used school bus shall be responsible for removing all markings that would identify it as a school bus including the bus safety lights.

EXCEPTION: If the bus is sold for the purpose of transporting school children to and from school, the bus identification and bus safety lights need not be removed. If sold for the purpose of transporting workers, the bus safety lights need not be removed.

(15) Schools or contractors planning to rebuild a school bus shall first secure approval from the Pupil Transportation Services, Oregon Department of Education. (This does not apply to repair of damage.) All rebuilt buses must meet current Oregon Minimum Standards for School Buses and applicable Federal Department of Transportation regulations.

(16) Special vehicles used for transportation of students with disabilities or for specific educational purposes which do not meet all current Oregon Minimum Standards for School Buses must be approved by the Pupil Transportation Services, Oregon Department of Education.

(17) Appeal for Variance:

(a) A school or contractor desiring to purchase a school bus or school activity vehicle which cannot meet all required minimum construction standards for school buses or school activity vehicles as applicable in Oregon must forward an "Appeal for Variance" request to the State Superintendent of Public Instruction, Salem, Oregon. This appeal must be made by the local school superintendent, and contain at least the following information:

(A) The need for such a vehicle;

(B) Why a standard school bus or school activity vehicle will not suffice;

(C) List of items which will not meet applicable standards; and

(D) Passenger capacity of vehicle.

(b) This variance provision is designed for unique changes or alterations necessary to accommodate special equipment or conditions.

(18) In case of an accident involving serious injury or death, the Oregon Department of Education shall be notified immediately.

Stat. Auth.: ORS 327.013 & 820.100 - 820.120
Stats. Implemented: ORS 327.013, 820.100, 820.105, 820.110 & 820.120
Hist.: 1EB 13-1978, f. 4-3-78, ef. 9-1-78; 1EB 5-1979, f. & ef. 3-30-79; EB 3-1987, f. & ef. 2-18-87; EB 43-1988, f. 12-16-88, cert. ef. 1-1-89; EB 5-1992, f. & cert. ef. 2-21-92; EB 21-1993, f. & cert. ef. 6-2-93

School Bus Drivers Training and Licensing

581-53-005 [1EB 114, f. 10-29-65, ef. 11-25-65;
1EB 118, f. 11-28-67, ef. 12-25-67;
1EB 134, f. 6-26-72, ef. 7-15-72;
1EB 219, f. 2-17-76, ef. 3-15-76;
1EB 18-1978, f. 6-19-78, ef. 3-1-79;
Repealed by 1EB 19-1978,
f. 6-19-78, ef. 7-1-79]

School Bus Driver Training and Certification

581-53-006 No person shall transport pupils in a school bus or a vehicle with a capacity of more than 20 passengers not subject to regulations of the Oregon Public Utilities Commission or Federal Department of Transportation, unless such person has completed all requirements for a school bus driver's permit or certificate and meets the standards established by the Department for issuance of permits or certificates. No person shall transport pupils in a school bus of any size and type without first receiving documented instruction in its safe operation. Emergency drivers who meet all requirements listed in section (4) of this rule may only operate a school bus within the prescribed limitations:

(1) School Bus Driver Permits. The Oregon Department of Education shall issue a school bus driver permit to applicants who meet the permit criteria but do not qualify for a school bus driver's certificate. A person cannot reapply for a permit for at least 12 months from date of permit expiration. An applicant must meet the following criteria to qualify for a school bus driver permit. The applicant shall:

(a) Possess a valid Class A, B or B-Restricted Commercial Driver License (CDL) with passenger endorsement;

(b) Pass an approved physical examination within six months prior to application;

(c) Pass a behind-the-wheel test as prescribed by the Oregon Department of Education within one year of application. This permit shall not be valid for operating a vehicle with a gross vehicle weight rating greater than the vehicle in which the test is taken;

(d) Pass a check of driving and criminal records by the Oregon Department of Education;

(e) File with the Department an application provided by the Department, signed by the local employer's designated official assuring immediate notification to the Department of any knowledge of the applicant's driving and criminal record status that could affect the qualifications for a school bus driver's permit as listed in section (8) of this rule;

(f) Complete a minimum of ten hours of approved behind-the-wheel training by a trainer certified by the Oregon Department of Education within one year of application. Hours of behind-the-wheel training shall be those hours spent by the trainee with a certified trainer or an assistant approved by the Oregon Department of Education in actual operation of the vehicle or vehicles the applicant will be expected to drive;

(g) Read and speak the English language sufficiently to converse with the general public, to understand highway signs and signals in the English language, to respond to official inquiries and make entries on reports and records;

(h) Exemption: If an applicant has regularly driven a bus of a size and type similar to that which the driver will be expected to drive, for a period of at least six months within the past three years, the applicant shall be required to complete four hours of approved behind-the-wheel training. The employer must have written acknowledgement from the applicants previous employer verifying bus driving experience if this exception is to be exercised.

(2) School Bus Driver's Certificate. The Oregon Department of Education shall issue an original school bus driver's certificate to qualified individuals who meet the following requirements:

(a) Has filed with the Oregon Department of Education an application or school bus permit conversion card provided by the Department, signed by an official designated by the local employer certifying that the driver:

(A) Has completed the Core Course for school bus drivers within the last four years;

(B) Possesses a valid first aid card which verifies that the applicant has completed at least the Red Cross Multimedia Course requirements or an equivalent course approved by the American Red Cross, the Federal Mine Safety and Health Administration, the Occupational Safety and Health Administration, or the Oregon Accident Prevention Division of the Workers' Compensation Department. A valid first aid card shall be maintained at all times;

(C) Has demonstrated the knowledge and ability to perform the duties of a school bus driver;

(D) To the best of the local employer's knowledge, has not been convicted of any driving or criminal offense listed in section (8) of this rule which could prevent certification; and

(E) Has a training record on file with the local employer meeting the requirements of the certificate being requested.

(b) Possesses a valid permit, or:

(A) Possesses a Class A, B, or B-Restricted CDL with passenger endorsement. The Oregon Department of Education may approve an out of state operator's license if it is consistent in provisions with the required Oregon license;

(B) Has passed an approved physical examination within six months prior to application;

(C) Has passed a behind-the-wheel test as prescribed by the Oregon Department of Education within one year of application. The certificate shall not be valid for operating a vehicle with a gross vehicle weight rating greater than the vehicle in which the test is taken;

(D) Has passed a check of driving and criminal records by the Oregon Department of Education;

(E) Has completed a minimum of ten hours of approved behind-the-wheel training within one year of application by a trainer certified by the Oregon Department of Education. Hours of behind-the-wheel training shall be those hours spent by the trainee with a certified trainer or an assistant approved by the Oregon Department of Education in actual operation of the vehicle or vehicles the applicant will be expected to drive;

(F) Reads and speaks the English language sufficiently to converse with the general public; understands highway signs and signals in the English language; is able to respond to official inquiries and make entries on reports and records.

(c) Exemption: If an applicant has regularly driven a bus of a size and type similar to that which the driver will be expected to drive, for a period of at least six months within the past three years, the applicant shall be required to complete four hours of approved behind-the-wheel training. The employer must have written acknowledgement from the applicant's previous employer verifying bus driving experience if this exception is to be exercised.

(3) Certificate Renewal. The Oregon Department of Education shall renew a school bus driver's certificate for the driver who:

(a) Possesses, or has possessed within the last twelve month period, a valid Oregon School Bus Driver's Certificate;

(b) Possesses a valid Class A, B, or B-Restricted CDL with passenger endorsement. The Oregon Department of Education may approve an out of state operator's license if it is consistent with provisions with the required Oregon license;

(c) Has passed an approved physical examination within six months prior to application;

(d) Has passed a check of current driving and criminal records by the Oregon Department of Education;

(e) Has filed with the Oregon Department of Education an application provided by the Department, signed by an official designated by the local employer certifying that the driver:

(A) Has completed the Core or Core Refresher Course for school bus drivers within the last four years;

(B) Possesses a valid first aid card which verifies that the applicant has completed at least the Red Cross Multimedia Course requirements or an equivalent course approved by the American Red Cross, the Federal Mine Safety and Health Administration, the Occupational Safety and Health Administration, or the Oregon accident Prevention Division of the Workers' Compensation Department. A valid first aid card shall be maintained at all times;

(C) Has completed Oregon Department of Education approved classroom training averaging at least eight hours annually while certified as a school bus driver during the preceding four-year period.

(f) Has been certified as able to satisfactorily perform the duties of a school bus driver by the official designated by the local employer on forms provided by the Oregon Department of Education;

(g) To the best of local employer's knowledge, has not been convicted of any driving or criminal offense listed in section (8) of this rule which could prevent certification;

(h) Has training record on file with local employer that meets the requirements of the certificate being requested;

(i) Makes application for a certificate within four months before expiration or within one year after expiration of a current certificate. Any driver whose school bus driver's certificate has been expired for 12 months or more will be considered an original applicant;

(j) The certificate shall not be valid for operating a vehicle with a gross vehicle weight rating greater than the vehicle in which the test is taken:

(A) Any driver need pass a behind-the-wheel test only once, as long as the driver maintains a valid school bus driver's certificate;

(B) Any driver may upgrade the stated gross vehicle weight rating on the school bus driver's certificate by passing a behind-the-wheel test in the vehicle with the higher gross vehicle weight rating and submitting the prescribed documentation to the Oregon Department of Education;

(C) Additional tests may be required by the Oregon Department of Education if reasonable doubt of driver competency exists.

(4) Emergency Drivers. A person who does not currently possess a valid school bus driver's certificate may be used in an emergency if such driver:

(a) Is judged competent by the local school authorities;

(b) Possesses a valid Class A, B, or B-Restricted CDL with passenger endorsement. The Oregon Department of Education may approve an out of state operator's license if it is consistent in provisions with the required Oregon license;

(c) Is on a list of approved emergency drivers maintained by the Oregon Department of Education. An emergency driver must pass the same check of driving and criminal records as required for a regularly licensed school bus driver. The emergency driver shall meet all qualifications prescribed on the emergency driver application. This form must be signed by the chief administrative officer of the school district and submitted to the Oregon Department of Education for approval. Approval as an emergency driver shall expire on July 1 annually;

(d) Emergency drivers shall not drive after the end of an emergency or after ten driving days, whichever comes first. No emergency driver may be used in more than two emergencies in any school year without written permission from the Oregon Department of Education.

(5) Expiration:

(a) Permits expire 120 days after issuance and may not be renewed. The holder of a valid permit may apply for a school bus driver's certificate at any time all requirements have been met for such certificate;

(b) For applicants 18 through 54 years of age, a certificate issued on July 1 shall expire on July 1 two years later. For applicants 55 years of age or older, a certificate issued on July 1 shall expire on July 1 one year later. Any certificate issued from March 1 through June 30 shall have the same expiration date as a certificate issued on the following July 1. Any certificate issued from July 2 through the last day of February shall have the same expiration date as a certificate issued on the previous July 1.

(6) Age Restrictions: To obtain an original school bus driver's certificate or permit or to renew a school bus driver's certificate following a person's 70th birthday, an applicant shall comply with all certification requirements and must successfully complete a Department of Education behind-the-wheel test within 30 days prior to the date of application. The test must be administered by a behind-the-wheel tester/trainer currently certified by the Department of Education. A copy of the test shall be attached to the application form.

(7) Physical Examinations:

(a) An applicant for a permit, certificate, or renewal must have passed an approved physical examination administered within six months prior to date of application by a physician or physician assistant licensed under ORS Chapter 677, a nurse practitioner certified under ORS 678.375, or a Chiropractic physician licensed under ORS Chapter 684;

(b) In addition, an EKG shall be required with license application at age 55 or older;

(c) Physical examination and certificate application forms adopted by the Oregon Department of Education shall be utilized by applicants for school bus driver's certificates. The Bureau of Motor Carrier Safety physical examination form effective January 1, 1986, may be used in lieu of the physical examination forms adopted by the Oregon Department of Education. However, the examining health care professional's signature and appropriate checks must appear on School Bus Driver Application;

(d) An applicant will be refused a school bus driver's permit or certificate unless such person possesses the minimum qualifications described below:

(A) Mental and physical condition:

(i) No impairment of use of foot, leg, finger, hand or arm, or other structural defect or limitation, likely to interfere with safe driving or other responsibilities of school bus driver. Drivers may be required to demonstrate ability to: Open and close a manually operated bus entrance door control with a force of at least 30 pounds; climb and descend steps with a maximum step height of 17-1/2 inches; operate two hand controls simultaneously and quickly; have a reaction time of 3/4 of a second or less from the throttle to the brake control; carry or drag a 125 pound person 30 feet in 30 seconds or less; depress a brake pedal with the foot to a pressure of at least 90 pounds; depress a clutch pedal with the foot to a pressure of at least 40 pounds unless operating an automatic transmission; exit from an emergency door opening of 24 x 48 inches at least 42 inches from the ground in ten seconds or less;

(ii) No mental, nervous, organic, or functional disease or disability likely to interfere with safe driving or other responsibilities of a school bus driver.

(B) Visual acuity of at least 20/40 (Snellen) in each eye either with or without corrective lenses and a binocular acuity of at least 20/40 (Snellen in both eyes either with or without corrective lenses. Form field of vision shall not be less than a total of 140 degrees and the ability to distinguish colors — Red, green and yellow. Drivers requiring corrective lenses shall wear properly prescribed lenses at all times while driving;

(C) Hearing shall not be less than 7/15 in at least one ear. If audiometric device is used, applicant shall not have an average hearing loss in the better ear greater than 40 decibels at 500 Hz, 1,000 Hz, and 2,000 Hz with or without a hearing aid when the audiometric device is calibrated to **American National Standard Z24.5-1951**. Drivers requiring a hearing aid shall wear such properly operating aid at all times while driving;

(D) The driver shall not use to excess, or be addicted to alcoholic beverages, narcotics or drugs. Compliance with any alcohol or drug screening requirements established by the Federal Highway Administration for commercial driver's license shall be maintained at all times;

(E) The driver is not qualified to operate a school bus, if insulin is necessary to control a diabetic condition or if the driver has a diabetic condition with a fasting glucose of more than 200 mg/dl;

(F) If the driver has severe hypertension (Grade 3 retinopathy), the driver is not qualified to operate a school bus;

(G) The driver is not qualified to operate a school bus if he/she has an established medical history or clinical diagnosis of epilepsy or any other condition likely to cause loss of consciousness or any loss of ability to control a motor vehicle. This section is included to comply with **Title 49 CFR 391.41(b)(8).**

(e) In cases of serious illness, injury, or change in physical or mental condition which may impair ability to fulfill the duties and responsibilities of a school bus driver as required in OAR 581-53-015 and those described in this rule, re-examination and medical approval are required prior to resumption of driving.

(8) Driving and Criminal Records:

(a) The Oregon Department of Education shall review the driving record of each applicant before a permit or certificate is issued or renewed. Applicants who have held a driver's license in a state other than Oregon anytime during the preceding three year period shall furnish upon request a copy of the driving record from such state or states to the Oregon Department of Education at time of application;

(b) The Oregon Department of Education shall review the criminal record of a driver upon original application for a permit, certificate or renewal;

(c) An applicant shall be refused a school bus driver's certificate or a current certificate shall be suspended or revoked if the applicant or driver:

(A) Has ever been convicted of a sex offense involving force or minors;

(B) Has ever been convicted of a crime involving violence, threat of violence, or theft. This shall not apply if applicant or driver has been free from custody, probation and parole for the preceding three-year period from date of application;

(C) Has ever been convicted of a crime involving activity in drugs or alcoholic beverages. This shall not apply if the applicant or driver has been free from custody, probation, and parole for the preceding three year period from date of application;

(D) Has had a driver's license suspended by the Division of Motor Vehicles of any state, within the preceding three year period, for a cause involving the unsafe operation of a motor vehicle or because of driving record;

(E) Has been convicted within the preceding three year period of:

(i) Hit-and-run driving;

(ii) Driving under the influence of intoxicants as defined in ORS 813.010;

(iii) Reckless driving as defined in ORS 811.140;

(iv) Fleeing or attempting to elude a police officer while driving a motor vehicle;

(v) Failure to perform the legal duties of a driver involved in an accident or collision which results in injury or death of any person.

(F) Has had driving privileges revoked or suspended as a habitual offender under ORS 809.600. This shall not apply if applicant or driver has had driving privileges restored under ORS 809.660 for the preceding three years;

(G) Has a driving record for the preceding three-year period that has an accumulation of 31 or more points based upon the following point system:

(i) Each chargeable accident and each conviction for a moving violation of traffic laws shall have a value of ten points. A chargeable accident is one in which the driver is answerable as the primary cause of, or chargeable with the result of an accident;

(ii) One point shall be subtracted from the total number of points for each full month, since the last chargeable accident or conviction, to the time of driving record check; however, all subtracted points will be reinstated if any additional moving violation convictions or chargeable accidents occur within the three-year calculation period.

(9) Refusals and Suspensions:

(a) The Oregon Department of Education may refuse, suspend or revoke the certificate of a school bus driver for noncompliance with certification or physical requirements, giving false or incomplete information on application forms, or failure to comply with laws, rules and regulations applicable to school bus drivers. Applications with obvious incomplete or inaccurate information will be returned to the employer with no action taken regarding denial or approval;

(b) Upon suspension or revocation, the certificate holder shall surrender the suspended or revoked certificate to the Oregon Department of Education;

(c) Hearings on appeal from refusal, suspension or revocation of school bus driver's certificates shall be pursuant to ORS Chapter 183;

(d) A certificate may be suspended for any period up to 90 days. If conditions of the suspension have not been met within the suspension period, the certificate shall be revoked.

(10) Change of Name, Address or Employer. Upon change of name, address or employer, a driver

must notify the Oregon Department of Education within 30 days. A duplicate certificate will be issued if necessary.

[**Publications:** The publication(s) referred to or incorporated by reference in this rule are available from the Department of Education.]

Stat. Auth.: ORS Ch. 820
Stats. Implemented: ORS 327.013, 820.100, 820.105, 820.110 & 820.120
Hist.: 1EB 19-1978, f. 6-19-78, ef. 7-1-78; 1EB 32-1978, f. & ef. 9-5-78; 1EB 4-1979, f. 3-30-79, ef. 7-1-79; 1EB 8-1981, f. & ef. 4-1-81; 1EB 13-1981(Temp), f. & ef. 7-29-81; 1EB 7-1982, f. & ef. 2-18-82; EB 3-1987, f. & ef. 2-18-87; EB 43-1988, f. 12-16-88, cert. ef. 1-1-89; EB 25-1993, f. & cert. ef. 7-30-93

[**ED. NOTE**: The text of Temporary Rules is not printed in the Oregon Administrative Rules Compilation. Copies may be obtained from the adopting agency or the Secretary of State.]

Pupil Transporting Vehicle Inspection

581-53-008 (1) Transporting districts shall have all vehicles used in transporting pupils inspected annually, and certify to the Oregon Department of Education that all deficiencies have been corrected before September 1 each year.

(2) The Oregon Department of Education shall furnish forms for the inspection and for the certification reports.

(3) Oregon Department of Education personnel may make pupil transporting vehicle inspections at any time or upon request of local school districts. The Department may investigate accidents and examine pupil transporting vehicles involved in accidents as the Department considers necessary.

(4) Upon inspection of pupil transporting vehicles by Oregon Department of Education personnel, school districts shall be notified in writing of deficiencies. Such deficiencies shall be corrected within 30 days. If the district is unable to cause the deficiency to be corrected within 30 days, the district may submit a written request for an extension of time to the Oregon Department of Education. Such request may be granted, provided the deficiency does not affect the safety of students or public, and is not contrary to Oregon Motor Vehicle Laws.

(5) Oregon Department of Education personnel may give a written order that a vehicle is unsafe and shall not be used to transport students when there is reason to believe that a deficiency is such that continued operation of the vehicle may jeopardize the safety of students or public.

(6) The district shall notify the Oregon Department of Education in writing that the deficiency is corrected before transporting students in a vehicle that has been declared unsafe in section (5) of this rule.

(7) The school bus driver shall inspect the following daily, unless the inspection is performed by other designated employees:

(a) Windshield and wipers;
(b) All outside lights;
(c) Service door;
(d) Tires and wheel lug nuts;
(e) Battery, belts, oil and coolant level;
(f) Horns;
(g) Brakes;
(h) Steering;
(i) Exhaust system;
(j) See that lights, windshield, mirrors, and warning sign is clean;
(k) Emergency equipment;
(l) Emergency exits and audible warning devices.

(8) The school activity vehicle driver shall inspect the vehicle as required by OAR 581-53-545, 581-53-550, or 581-53-555, whichever is applicable.

(9) The driver shall report as soon as possible to the proper official any deficiency or malfunction of any equipment or component of the vehicle.

(10) The driver shall not transport students unless the vehicle is safe to operate.

Stat. Auth.: ORS 327.013 & 820-100 - 820.120
Stats. Implemented: ORS 327.013, 820.100, 820.105, 820.110 & 820.120
Hist.: 1EB 218, f. 2-17-76, ef. 3-15-76; EB 3-1987, f. & ef. 2-18-87; EB 43-1988, f. 12-16-88, cert. ef. 1-1-89; EB 21-1993, f. & cert. ef. 6-2-93

Rules Governing Pupils Riding School Buses

581-53-010 (1) Pupils being transported are under authority of the bus driver.

(2) Fighting, wrestling, or boisterous activity is prohibited on the bus.

(3) Pupils shall use the emergency door only in case of emergency.

(4) Pupils shall be on time for the bus both morning and evening.

(5) Pupils shall not bring firearms, weapons, or other potentially hazardous material on the bus.

(6) Pupils shall not bring animals, except approved assistance guide animals on the bus.

(7) Pupils shall remain seated while bus is in motion.

(8) Pupils may be assigned seats by the bus driver.

(9) When necessary to cross the road, pupils shall cross in front of the bus or as instructed by the bus driver.

(10) Pupils shall not extend their hands, arms, or heads through bus windows.

(11) Pupils shall have written permission to leave the bus other than at home or school.

(12) Pupils shall converse in normal tones; loud or vulgar language is prohibited.

(13) Pupils shall not open or close windows without permission of driver.

(14) Pupils shall keep the bus clean, and must refrain from damaging it.

(15) Pupils shall be courteous to the driver, to fellow pupils, and passerby.

(16) Pupils who refuse to obey promptly the directions of the driver or refuse to obey regulations may forfeit their privilege to ride on the buses.

(17) Rules Governing Pupils Riding School Buses must be kept posted in a conspicuous place in all school buses.

Stat. Auth.: ORS Ch. 820
Stats. Implemented: ORS 327.013, 820.100, 820.105, 820.110 & 820.120
Hist.: 1EB 118, f. 11-28-67, ef. 12-25-67; 1EB 134, f. 6-26-72, ef. 7-15-72; 1EB 217, f. 2-17-76, ef. 3-15-76; EB 25-1993, f. & cert. ef. 7-30-93

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Rules Pertaining to School Bus Drivers

581-53-015 (1) School bus drivers shall observe all local and state traffic laws and ordinances.

(2) Drivers shall enforce local school board and Oregon Department of Education rules governing pupils riding school buses.

(3) Drivers shall observe local school board and Oregon Department of Education rules pertaining to school bus drivers.

(4) After stopping at a railway crossing as required by law, the driver shall open the bus entrance door and driver window, look and listen for an approaching train, then close the door before proceeding across the track.

(5) The driver shall assist in conducting student instruction and evacuation drills as directed by the school administration.

(6) Drivers shall report to their employer(s) within 15 days, any conviction for driving or criminal offenses specified in OAR 581-53-006(8) or any involvement in an accident as defined in OAR 581-53-006(8)(c)(G)(i).

(7) A school bus driver shall:

(a) Never drive backwards on the school grounds prior to looking behind the bus, sounding the horn, and placing a responsible person to guard the rear;

(b) Not leave the bus when pupils are in it until the motor is shut off, the brakes set, a manual transmission put in gear and the key removed from the ignition;

(c) Not disengage the clutch or gears to allow the bus to coast;

(d) Stop to load or unload pupils only at designated places;

(e) See that all doors on the bus are kept closed while the bus is in motion;

(f) Bring the bus to a complete stop before taking on or letting off pupils. Whenever possible, the driver shall stop at a place where the road may be clearly seen for several hundred feet in either direction;

(g) Not permit anyone to hang on or hitch onto the outside of bus;

(h) Not use a public-owned bus for any purpose other than transporting pupils to and from schools, except on special order of school officials;

(i) Not permit anyone else to operate the bus or controls, except with the permission of school officials or the bus contractor;

(j) Not permit animals on the bus except guide dogs and assistance animals from recognized programs which will be accepted when accompanying blind, deaf, or physically impaired persons. Guide/assistance animals or animals in training as defined in ORS 346.680 are also accepted when they comply with all the following:

(A) Are enrolled and identified in an assistance animal training program registered with and regulated by an appropriate county extension service or designated state agency;

(B) Have a comprehensive immunization record on file with the district

(C) Are always clearly and distinctively identified as an assistance animal in training, e.g., "green guide dog jacket";

(D) Are accompanied by the trainer identified in district records;

(E) Continue to demonstrate their ability to ride safely with students, posing no hazards or distractions; and

(F) Comply with any additional requirements and safeguards specified by the local district.

(k) Not permit firearms or other weapons to be carried in the bus;

(l) Not operate the bus with a trailer attached;

(m) Not fill the fuel tank while pupils are in the bus or while the motor is running;

(n) Not transport any person who is not a pupil, a teacher, or an official of the school while traveling the regular route, unless authorized to do so by a responsible school official. School officials may authorize other persons to ride in the school buses on special occasions having to do with school affairs;

(o) Make certain that all aisles and passageways are kept clear;

(p) Not permit signs of any kind to be attached to the bus, except those specifically permitted by law or regulation;

(q) Report to school officials immediately when buses are overloaded as described in OAR 581-53-002 and ORS 820.180(1)(b);

(r) Stop the bus if any difficulty arises or if disorder prevails in the bus and not proceed until the situation is remedied. Misconduct of pupils shall be reported to the proper school official;

(s) Maintain a neat and clean appearance and a deportment acceptable within the community;

(t) Not use tobacco on the school bus and shall not permit passengers to use tobacco on the bus;

(u) Not be under the influence of any alcoholic beverage or any drug likely to affect the person's ability to operate the vehicle safely while on duty; shall not consume an alcoholic beverage, regardless of its alcoholic content or any drug likely to affect the person's ability to operate the vehicle safely while on duty or within eight hours before going on duty to operate a pupil transporting vehicle;

(v) Not allow pupils to leave the bus except at their designated stop without the authorization of school officials;

(w) Allow time for pupils to be seated before putting the bus in motion;

(x) Complete any training required by the Oregon Department of Education or local employer;

(y) Make written reports of accidents involving the pupil transporting vehicle to the Oregon Department of Education. Reports shall be mailed within 72 hours of the accident. Drivers shall use forms provided by, or approved by, the Oregon Department of Education. An accident is defined as an occurrence which results in any of the following:

(A) An injury requiring medical or dental treatment;

(B) Any damage to property other than the pupil transporting vehicle;

(C) Damage to the pupil transporting vehicle in excess of one hundred dollars.

(z) Make other reports as required by the local district, the Oregon Department of Education and the Motor Vehicles Division.

(A) Use all securement straps and attachments for students with adaptive/assistive devices in a manner consistent with their design;

(B) Not transport pupils seated on three-wheeled mobile seating devices.

(8) Use of Bus Safety Lights:

(a) When pupils must cross the highway to board, or after leaving the bus, the driver shall actuate the amber flashing warning lights 100 to 300 feet before the stop. The driver shall stop the bus in the right-hand traffic lane. The red lights shall remain flashing until all pupils have safely crossed the roadway;

(b) When pupils need not cross the roadway to board, or after leaving the bus, the driver shall:

(A) When practicable, stop completely off the main traveled portion of the roadway. The driver shall not actuate the bus safety lights;

(B) Where it is not practicable to stop completely off the main traveled portion of the roadway the driver shall actuate the amber flashing warning lights 100 to 300 feet before the stop. The driver shall stop the bus in the right-hand traffic lane. The red lights shall remain flashing until pupils have safely boarded or left the bus.

(9) Driving Hour Limitations:

(a) A driver of a school bus must comply with one of the following two options:

(A) No person shall drive a school bus or other pupil transporting vehicle more than ten total hours during any consecutive 15 hour period. At the end of ten hours of driving or a 15 hour period, whichever occurs first, the driver shall not again drive a school bus or pupil transporting vehicle until at least eight hours have elapsed;

(B) The driver of a school bus or pupil transporting vehicle, after driving a regular morning route transporting pupils from home to school, may again operate a bus or pupil transporting vehicle, but not more than eight hours in a consecutive ten hour period or until 12 midnight, whichever occurs first, provided the driver has at least four hours free from actual operation of a bus following the end of the morning route. To qualify under this provision the driver shall have been free from bus driving duties for at least eight consecutive hours prior to the regular morning route.

(b) A driver shall not drive more than three hours continuously without taking at least a 15 minute break from driving duties;

(c) Emergency extension of driving hours. In the event of an unforeseen emergency, e.g., mechanical breakdown, accident or adverse road conditions, a driver may complete the trip without being in violation of the provisions of this rule if such trip could have reasonably been completed as originally scheduled without violation of this rule.

Stat. Auth.: ORS 327.013 & 820.100 - 820.120
Stats. Implemented: ORS 327.013, 820.100, 820.105, 820.110 & 820.120
Hist.: 1EB 118, f. 11-28-67, ef. 12-25-67; 1EB 134, f. 6-26-72, ef. 7-15-72; 1EB 216, f. 2-17-76, ef. 3-15-76; 1EB 15-1978, f. 4-3-78, ef. 9-1-78; 1EB 6-1979, f. & ef. 3-30-79; EB 3-1987, f. & ef. 2-18-87; EB 43-1988, f. 12-16-88, cert. ef. 1-1-89; EB 21-1993, f. & cert. ef. 6-2-93

School Bus Standards

Definition and Special Regulations

581-53-505 [1EB 82, f. 6-5-62, ef. 7-11-62;
1EB 118, f. 11-28-67, ef. 12-25-67;
1EB 126(Temp),
f. 1-17-72, ef. 2-1-72;
1EB 128, f. 3-17-72, ef. 4-1-72;
1EB 251, f. & ef. 9-23-76;
Repealed by 1EB 13-1978,
f. 4-3-78, ef. 9-1-78]

School Bus Definitions

581-53-507 (1) A Type "A" school bus is a vehicle with a gross weight rating of 10,000 pounds or less.

(2) A Type "B" school bus is a vehicle with a gross weight rating of more than 10,000 pounds, but less than 16,000 pounds. Most of the engine is beneath and/or behind the windshield and beside the driver's seat. The entrance door is behind the front wheels.

(3) A Type "C" school bus is a vehicle with a gross weight rating of more than 10,000 pounds. All or part of the engine is in front of the windshield and the entrance door is behind the front wheels.

(4) A Type "D" school bus is a vehicle with the engine mounted in the front behind the windshield, midship, or rear with a gross vehicle weight rating of more than 10,000 pounds. The entrance door is ahead of the front wheels.

Stat. Auth.: ORS Ch. 820
Stats. Implemented: ORS 327.013, 820.100, 820.105, 820.110 & 820.120
Hist.: 1EB 17-1985, f. 10-29-85, ef. 11-1-85

Minimum Standards for School Bus Chassis

581-53-510 [1EB 82, f. 6-5-62, ef. 7-11-62;
1EB 118, f. 11-28-67, ef. 12-25-67;
1EB 126(Temp),
f. 1-17-72, ef. 2-1-72;
1EB 128, f. 3-17-72, ef. 4-1-72;
Repealed by 1EB 17-1985,
f. 10-29-85, ef. 11-1-85]

Minimum Standards for School Bus Chassis

581-53-512 (1) Air Cleaner:

(a) The engine intake air cleaner shall be furnished and properly installed by the chassis manufacturer to meet engine specifications;

(b) All Type C and D buses equipped with diesel engines shall have an air cleaner restriction indicator properly installed by the chassis manufacturer to meet engine specifications.

(2) Axles: The front and rear axles and suspension assemblies shall have a gross weight rating at least equal to that portion of the load as would be imposed by the chassis manufacturer's maximum gross weight rating for each axle.

(3) Air System: All buses equipped with air systems for brakes shall provide and identify an appropriate air port for plumbing in air-powered accessories.

(4) Air-Operated Accessories: Air-operated accessories shall be plumbed into the vehicle's air supply system in compliance with all the following:

(a) Safeguarded by a check valve or equivalent device located between the air supply system and the accessory to prevent air loss due to accessory failure. This shall include the supply line for a designated accessory air tank;

(b) Connected to the air supply system in compliance with all applicable **Federal Motor Vehicle Safety Standards**;

(c) Connected in the manner prescribed by the vehicle manufacturer.

(5) Brakes:

(a) Air brakes are required on all buses having a manufacturer's gross vehicle weight rating of 26,001 pounds or greater;

(b) An air or power actuated service braking system and parking brake shall be provided;

(c) Buses using air or vacuum in the operation of the brake system shall be equipped with warning signals, readily audible and visible to the driver, that will give a continuous warning when the air pressure available in the system for braking is 60 psi (pounds per square inch) or less or the vacuum in the system available for braking is eight inches of mercury or less. An illuminated gauge shall be provided that will indicate to the driver, the air pressure in pounds per square inch or the inches of mercury vacuum available for the operation of the brake:

(A) Vacuum-assist brake systems shall have a reservoir used exclusively for brakes which shall be adequate to ensure loss in vacuum at full stroke application of not more than 30 percent with engine not running. Brake system on gas-powered chassis shall include suitable and convenient connections for the installation of separate vacuum reservoir;

(B) Any brake system dry reservoir shall be so safeguarded by a check valve or equivalent device, that in the event of failure or leakage in its connection to the source of compressed air or vacuum, the stored dry air or vacuum shall not be depleted by the leakage or failure.

(d) Buses using a hydraulic assist-booster in the operation of brake system shall be equipped with a warning signal, readily audible and visible to the driver, which will provide continuous warning in the event of a loss of fluid flow from primary source or loss of electric source powering the backup system;

(e) The brake lines and booster-assist lines shall be protected from excessive heat and vibrations and be so installed as to prevent chafing;

(f) All brake systems shall be designed to permit visual inspection of brake lining wear without removal of any chassis components except for inspection dust covers or wheels;

(g) Air brake systems shall be equipped with manual drain valves on all air tanks. A provision shall be made to operate manual drain valve(s) on first (wet) reservoir(s) from the side of the bus unless one of the following options is provided:

(A) Automatic moisture ejector on the first (wet) reservoir;

(B) An air dryer that has the drying ability to insure an adequate margin of safety under normal and adverse operating conditions;

(C) Skirt-mounted controls for manual drain valve(s) shall not extend beyond the outer side bus skirt panel.

(6) Bumper, Front:

(a) Front bumper shall be furnished by chassis manufacturer as part of the chassis for Type A, B, and C buses. Type D buses shall have bumpers furnished by the body manufacturer;

(b) Front bumper shall extend beyond forward-most part of body, grille, hood and fenders and shall extend to outer edges of fenders at bumper top line;

(c) Front bumper, except breakaway bumper ends shall be of sufficient strength to permit pushing a vehicle of equal gross vehicle weight without permanent distortion to bumper, chassis or body;

(d) An energy absorbing front bumper may be used providing its design shall incorporate a self-restoring energy absorbing system of sufficient strength to:

(A) Push another vehicle of similar GVW without permanent distortion to the bumper, chassis, or body;

(B) Withstand repeated impacts without damage to the bumper, chassis, or body according to the following performance standards:

(i) 7.5 MPH fixed barrier impact (FMVSS cart and barrier test);

(ii) 4.0 MPH corner impact at 30 degrees (**Part 581 CFR Title 49**);

(iii) 20.0 MPH into parked passenger car (class B, C, and D buses of 18,000 pounds GVW or more).

(C) The manufacturer of the energy absorbing system shall provide evidence from an approved test facility (capable of performing the above FMVSS test(s)) that their product conforms to the above.

(7) Chains, Automatic: Automatic tire chains (traction) may be installed at drive wheels in conformance with manufacturing specifications and any applicable chassis manufacturer standards.

NOTE: Air-applied chain systems must comply with air-operated accessory requirement included in this rule.

(8) Certification: Chassis manufacturer will, upon request, certify to the state agency having pupil transportation jurisdiction, that their product meets minimum standards on items not covered by certification issued under requirements of National Traffic and Motor Vehicle Safety Act.

(9) Clutch: Clutch torque capacity shall be equal to or greater than, the engine torque output.

(10) Color: Chassis and front bumper shall be black; hood, cowl and fenders shall be in National School Bus Yellow. Hood may be painted low-luster yellow. Wheels may be painted black or school bus yellow. (Silver lock acceptable.) Type A and B buses may have manufacturer standard white or black wheels and front bumper color.

(11) Drive Shaft: Drive shafts over 24 inches in length shall be protected by metal guard or guards around circumference of drive shaft to reduce the possibility of the shaft whipping through floor or dropping to ground if broken. Guards shall be mounted around front half of each drive shaft section.

(12) Electrical System:

(a) Battery:

(A) Storage battery shall have a minimum cold cranking capacity rating equal to the cranking required for 30-seconds at 0° Fahrenheit (-17.8° C.) and a minimum reserve capacity rating of 120-minutes at 25 amp. Higher capacities may be needed dependent upon optional equipment and local environmental conditions;

(B) Since the batteries in Type C and D buses are to be located in a slide-out or swing-out body tray, the battery shall be temporarily mounted on the chassis frame by the chassis manufacturer. In this case the final location of the battery and the appropriate cable lengths provided by the chassis manufacturer shall be according to the **SBMI Design Objectives Booklet, May 1990 Edition**.

(b) Circuits: An appropriate identifying diagram (color and number coded) for electrical circuits shall be provided to the body manufacturer for distribution to the end user for all buses purchased after September 1, 1993;

(c) Generator or Alternator:

(A) All buses shall have a generator or alternator with a minimum rating of at least 100 amperes (in accordance with Society of Automotive Engineer rating) with minimum charging of 50 percent of maximum rated output at manufacturer's recommended engine idle speed (12 volt system), and shall be ventilated and voltage-controlled and, if necessary, current-controlled;

(B) Direct-drive generator or alternator is permissible in lieu of belt drive. Belt drive shall be capable of handling the rated capacity of the generator or alternator with no detrimental effect on other drive components;

(C) Dual belt drive or equivalent shall be used on Type C and D buses with generator or alternator.

NOTE: Refer to **Exhibit 1** for estimating required generator or alternator capacity.

(c) Wiring:

(A) General — All wiring shall conform to current applicable recommended practices of the Society of Automotive Engineers. All wiring shall use a standard color coding and each chassis shall be delivered with a wiring diagram that coincides with the wiring of the chassis;

(B) Chassis manufacturer shall install a readily accessible terminal strip or plug on the body side of the cowl, or at accessible location in engine compartment of vehicles designed without a cowl, which shall contain the following terminals for the body connections:

(i) Main 100 amp body circuit;
(ii) Tail lamps;
(iii) Right turn signal;
(iv) Left turn signal;
(v) Stop lamps;
(vi) Back up lamps;
(vii) Instrument panel lights.

(13) Engine Compartment:

(a) Automatic/Manual Engine Fire Extinguishers: Automatic fire extinguisher systems may be installed in the engine compartment on buses. System must have a visible gauge easily read from the driver's seat and a manual activation switch clearly identified and located in the driver's compartment. The entire system must be UL (Underwriters Laboratories) Approved and assure protection from passenger compartment. Extinguisher system manual activation switch/control shall be safeguarded from accidental activation by a pull-pin or equivalent device. The extinguisher, if mounted in the passenger compartment, shall not be readily removable for use elsewhere, but dedicated for the engine compartment.

(14) Exhaust System:

(a) Exhaust pipe, muffler and tailpipe shall be outside bus body compartment and attached to chassis;

(b) Tailpipe shall be constructed of a corrosion-resistant tubing material at least equal in strength and durability to 16 gauge steel tubing;

(c) Tailpipe shall meet one of the following options:

(A) Tailpipe shall extend at least five inches beyond rear of chassis frame and be mounted outside of chassis frame rail at end point;

(B) Tailpipe may extend to, but not beyond the body limits on the left side of the bus forward or rearward of the rear tires outboard of chassis centerline as described in paragraph (14)(c)(C) of this rule. If the tailpipe terminates forward of the rear tires it shall terminate not more than 24 inches or less than six inches forward of rear tires. No tailpipe shall terminate beneath any side emergency exit or fuel fill receptacle;

(C) Type A, B, C and D buses — 48.5 inches minimum from centerline of chassis.

NOTE: Tailpipe may not exit on the right side of vehicle. See OAR 581-53-517(41).

(d) Exhaust system shall be properly insulated from fuel tank and connections by securely attached metal shield at any point where it is 12 inches or less from tank or tank connections on all gasoline or alternative fueled vehicles;

(e) Mufflers: Muffler shall be constructed of corrosion-resistant material.

(15) Fenders, Front, Type C Vehicles:

(a) Total spread of outer edges of front fenders, measured at fender line, shall exceed total spread of front tires when front wheels are in straight-ahead position;

(b) When equipped, front fenders shall be properly braced and free from any body attachments.

(16) Frame:

(a) Frame or equivalent shall be of such design and strength characteristics as to correspond at least to standard practice, for trucks of same general load characteristics which are used for highway service;

(b) Any secondary manufacturer that modifies the original chassis frame shall guarantee the performance of workmanship and materials resulting from such modification;

(c) Any frame modification shall not be for the purpose of extending the wheelbase;

(d) Holes in top or bottom flanges of frame side rail shall not be permitted except as provided in original chassis frame. There shall be no welding to frame side rails except by chassis or body manufacturer;

(e) Frame lengths shall be provided in accordance with **SMIB Design Objectives, May 1990 Edition**.

(17) Fuel Tank:

(a) Fuel tank shall be provided by the chassis manufacturer. Buses with a passenger capacity of 58 or less shall be equipped with a fuel tank or tanks of minimum 30 gallon capacity with at least a 25 gallon actual draw. Buses with a capacity of 58 or more shall be equipped with a minimum 60 gallon fuel tank with an actual draw of 50 gallons or more. Type A buses may be equipped with manufacturers' standard tank;

(b) No portion of the fuel system which is located rear of the engine compartment, except the filler tube, shall extend above the top of the chassis frame rail. Fuel lines shall be mounted to obtain maxi-mum possible protection from the chassis frame;

(c) Fuel filter with replaceable element shall be installed between fuel tank and engine;

(d) Fuel tank installation shall be in accordance with **SBMI Design Objectives** effective **May 1990** and in compliance with all applicable **Federal Motor Vehicle Safety Standards**:

(A) Type A, B, C, and D bus fuel tanks may be mounted on left chassis frame rail or behind rear wheels. Type D buses with rear engines may have the tank mounted ahead of the rear axle between the frame rails;

(B) Tank(s) shall be mounted, filled and vented outside of body. The tank(s) location shall not permit fuel spillage to drip or drain on any portion of the exhaust system.

(e) Alternate engine fuel tank installation shall be in accordance with Oregon Department of Education specifications. No dual fuel or bi-fuel systems are allowed.

(18) Governor:

(a) An engine governor is permissible. However, when it is desired to limit road speed, road-speed governor should be installed;

(b) When engine is remotely located from driver, governor shall be installed to limit engine speed to maximum revolutions per minute recommended by engine manufacturer.

(19) Heating System, Provision For: The chassis engine shall have plugged openings for the purpose of supplying hot water for the bus heating system. The opening shall be suitable for attaching 3/4 inch pipe thread/hose connector. The engine shall be capable of supplying water having a temperature of at least 170° F. at a flow rate of 50 pounds/per minute at the return end of 30 feet of 1 inch inside diameter automotive hot water heater hose (**SBMI Standard No. 001 — Standard Code for Testing and Rating Automotive Bus Hot Water Heating and Ventilating Equipment**).

(20) Horn: Bus shall be equipped with horn or horns of standard make, each horn capable of producing complex sound in bands of audio frequencies between approximately 250 and 2,000 cycles per second and tested per **SAC Standard J-377**.

(21) Instruments and Instrument Panel:

(a) Chassis shall be equipped with following instruments and gauges. (Lights in lieu of gauges are not acceptable except as noted.):

(A) Speedometer;

(B) Odometer which give accrued mileage including tenths of miles;

(C) Voltmeter: A graduated charge and discharge ammeter compatible with generating capacities is permitted in lieu of or in addition to a voltmeter;

(D) Oil-pressure gauge;

(E) Water Temperature gauge;

(F) Fuel gauge;

(G) Upper beam headlight indicator;

(H) Air pressure or vacuum gauge according to brake system used: Light indicator or gauge required on vehicle equipped with hydraulic-over hydraulic brake system;

(I) Turn signal indicator;

(J) Tachometer, when engine is remotely located from driver;

(K) Glow plug indicator light, where appropriate.

(b) All instruments shall be easily accessible for maintenance and repair;

(c) Above instruments and gauges shall be mounted on instrument panel in such a manner that each is clearly visible to and lies within a 140 degree field of vision for a 95th percentile female anthropomorphic dummy while in normal seated position;

(d) Instrument panel shall have lamps of sufficient candlepower to illuminate all instruments and gauges and shift selector indicator for automatic transmission.

(22) Oil Filter: Oil filter of replaceable element or cartridge type shall be provided and shall be connected by flexible oil lines if it is not build-in or engine mounted design. Oil filter shall have a capacity of at least one quart.

(23) Openings: All openings in floorboard or firewall between chassis and passenger-carrying compartment, such as for gearshift lever and parking brake lever, shall be sealed. Access plates to cover openings shall have adequate gaskets and be fastened securely.

(24) Passenger Load:

(a) Actual gross vehicle weight (GVW) is the sum of the chassis wet weight, plus the body weight, plus the driver's weight, plus total seated pupil weight:

(A) For purposes of calculation, the driver's weight is 150 pounds;

(B) For purposes of calculation, the pupil weight is 120 pounds per pupil.

(b) Actual Gross Vehicle Weight (GVW) shall not exceed the chassis manufacturer's gross vehicle weight rating (GVWR) for the chassis;

(c) Manufacturer's gross vehicle weight rating and other chassis information shall be furnished by the manufacturer, the manufacturer's representative or seller to the Oregon Department of Education on forms furnished by the department.

(25) Power and Gradeability: Gross Vehicle Weight (GVW) shall not exceed 165 pounds per net published horsepower of the engine at the manufacturer's recommended maximum number of revolutions per minute.

(26) Retarder System: Retarder system, if installed, shall maintain the speed of the fully loaded school bus at 19.0 MPH on a seven percent grade for 3.6 miles without incurring damage to the retarder or vehicle.

(27) Shock Absorbers: Bus shall be equipped with front and rear double-acting shock absorbers compatible with manufacturer's rated axle capacity at each wheel location.

(28) Springs:

(a) Capacity of springs or suspension assemblies shall be commensurate with chassis manufacturer's gross vehicle weight rating;

(b) If rear springs are used, they shall be of progressive type.

(29) Steering Gear:

(a) Steering gear shall be approved by chassis manufacturer and designed to assure safe and accurate performance when vehicle is operated with maximum load and at maximum speed;

(b) Steering mechanism that allows for external adjustment to correct for lost motion shall provide an accessible adjustment location;

(c) No changes shall be made in steering apparatus which are not approved by chassis manufacturer;

(d) There shall be clearance of at least two inches between steering wheel and cowl instrument panel, windshield, or any other surface;

(e) Power steering is required. Power steering shall be approved and installed by chassis manufacturer or authorized chassis representative;

(f) The steering system shall be designed to provide for means for lubrication of all wear-points, if wear points are not permanently lubricated.

(30) Tires and Rims:

(a) Tires and rims of proper size and tires with load rating commensurate with chassis manufacturer's gross vehicle weight rating shall be provided;

(b) Dual rear tires shall be provided. Type A vehicles may have single rear tires;

(c) All tires on new buses shall be of same size. Load range of tires shall meet or exceed the gross axle weight rating as required by **FMVSS 120**;

(d) If bus is equipped with spare tire and rim assembly, it shall be of the same size as those mounted on the vehicle;

(e) A spare tire when carried shall be suitably mounted in accessible location outside passenger compartment. Type A buses may have spare tire securely mounted in left rear corner of passenger compartment;

(f) Recapped tires are prohibited on the front of the bus;

(g) Regrooved tires are not permitted on any bus;

(h) Minimum tread depth on tires shall be:

(A) Front axle — 4/32 inch;

(B) Rear axle — 2/32 inch.

(i) Tread depth shall be measured as follows: The minimum depth in any two adjacent major grooves at three locations spaced approximately equally around the outside of the tire but not on wear indicators.

(31) Tow Hooks: Chassis manufacturer shall provide at least one front tow hook on Type C and D buses.

(32) Transmission:

(a) Transmission shall have an input torque capacity greater than maximum net torque developed by engine;

(b) When automatic or semi-automatic transmission is used, it shall provide for not less than three forward and one reverse speed. The shift selector, if applicable, shall provide a detent between each gear position when shift selector is not steering column mounted. Type C and D buses shall be equipped with a transmission temperature gauge;

(c) When manual transmission is used, second gear and higher shall be synchronized. A minimum of three forward speeds and one reverse must be provided.

(33) Turning Radius:

(a) Chassis with a wheel base of 264 inches or less shall have a right and left turning radius of not more than 42-1/2 feet, curb to curb measurement;

(b) Chassis with a wheelbase of 265 inches or more shall have a right and left turning radius of not more than 44-1/2 feet, curb to curb measurement.

(34) Undercoating: Chassis manufacturer shall coat undersides of front fenders with compound to protect surfaces and prevent rust which meets or exceeds federal specifications TT-C-520a, using modified test procedures as defined under "Undercoating" of body standards.

(35) Weight Distribution:

(a) Weight distribution of fully loaded bus on level surface shall be such as to not exceed the manufacturer's front Gross Axle Weight Rating (GAWR) and rear Gross Axle Weight Rating;

(b) Weight distribution of fully loaded bus on level surface shall be such that not more than 75 percent of gross vehicle weight is on rear tires and not more than 35 percent is on front tires. Type B and D buses with engine inside front of body and entrance door ahead of front wheels shall have not more than 75 percent of gross vehicle weight on rear tires nor more than 50 percent on front tires. If entrance door is behind front wheels, not more than 75 percent of gross vehicle weight shall be on rear tires not more than 40 percent on front tires. With engine in rear, not more than 75 percent of gross vehicle weight shall be on rear tires nor more than 40 percent on front tires.

[**Publications**: The publication(s) referred to or incorporated by reference in this rule are available from the Department of Education.]

[**ED. NOTE:** The Exhibit(s) referenced in this rule is not printed in the OAR Compilation. Copies are available from the Department of Education.]

Stat. Auth.: ORS 327.013 & 820.100 - 820.120
Stats. Implemented: ORS 327.013, 820.100, 820.105, 820.110 & 820.120
Hist.: 1EB 17-1985, f. 10-29-85, ef. 11-1-85; EB 44-1988, f. 12-16-88, cert. ef. 1-1-89; EB 21-1993, f. & cert. ef. 6-2-93

Minimum Standards for the Bus Body

581-53-515 [1EB 80, f. 6-6-62;
1EB 82, f. 6-5-62, ef. 7-11-62;
1EB 118, f. 11-28-67, ef. 12-25-67;
1EB 126(Temp),
f. 1-17-72, ef. 2-1-72;
1EB 128, f. 3-17-72, ef. 4-1-72;
1EB 192, f. 3-21-75, ef. 9-1-76;
Repealed by 1EB 17-1985,
f. 10-29-85, ef. 11-1-85]

Minimum Standards for School Bus Bodies

581-53-517 (1) Aisle:

(a) Minimum clearance of all aisles shall be 12 inches;

(b) Aisle supports of seat backs shall be slanted away from aisle sufficiently to give aisle clearance of 15 inches at tops of seat backs.

(2) Battery:

(a) Battery is to be furnished by chassis manufacturer;

(b) When battery is mounted as described in electrical section, Battery of Chassis Standard, i.e., the body manufacturer shall securely attach battery on slide-out or swing-out tray in closed, vented compartment in body skirt whereby battery may be exposed to outside for convenient servicing and removal. Battery compartment door or cover shall be hinged at front or top and secured by adequate and conveniently operated latch or other type fastener;

(c) Access to battery through body floor not permitted.

(3) Body Sizes: It is the body supplier's responsibility to determine that the completed body-on-chassis type bus will fulfill weight distribution requirements as explained in OAR 581-53-512, Bus Chassis, section (30), Weight Distribution. Body manufacturer shall determine the vehicle's maximum designed and equipped passenger capacity and post it along with GVWR and vehicle compliance information.

(4) Bumper (Front): See OAR 581-53-512, Bus Chassis, section (6), Bumper, Front.

(5) Bumper (Rear):

(a) Rear bumper for all body on chassis units shall be of pressed steel channel or equivalent material at least 3/16-inch thick and eight inches wide (high), and of sufficient strength to permit pushing by another vehicle without distortion. Type A buses (not body on chassis) may be manufacturers' standard;

(b) Bumper for all body on chassis units shall wrap around back corners of bus. It shall extend forward at least 12 inches, measured from rearmost point of body at floor line. Type A buses (not body on chassis) may be manufacturers' standard;

(c) Bumper shall be attached to chassis frame in such manner that it may be easily removed, shall be so braced as to develop full strength of bumper section from rear or side impact, and shall be so attached as to prevent the insertion of small fingers between the body and bumper;

(d) Bumper shall extend beyond rear-most part of body surface at least one inch, measured at floor line;

(e) An energy absorbing rear bumper may be used providing a self-restoring energy absorbing bumper system so attached as to prevent the hitching of rides and of sufficient strength to:

(A) Permit pushing by another vehicle without permanent distortion to the bumper, chassis, or body;

(B) Withstand repeated impacts without damage to the the bumper, chassis, or body according to the following performance standards:

(i) 2.0 MPH fixed barrier impact (**FMVSS** cart and barrier test);

(ii) 4.0 MPH corner impact at 30 degress (**Part 581 CFR Title 49**);

(iii) 5.0 MPH buses (**Part 581 CFR Title 49**).

(C) The manufacturer of the energy absorbing system shall provide evidence from an approved test facility (capable of performing the above **FMVSS** tests) that their product conforms to the above.

(6) Ceiling: See section (19) of this rule, Insulation, and section (20) of this rule, Interior.

(7) Color:

(a) The school bus body shall be painted a uniform National School Bus Yellow. The body exterior paint trim, bumper, lamp hoods, and emergency door lettering shall be in black. The roof of the bus may be painted white only when specified in combination with tinted glazing for passenger windows. The white color may extend across the roof down to the drip rails or within 4-1/2 inches above the passenger windows on the sides of the bus except that front and rear caps shall remain National School Bus Yellow. Retroflective material may be used as trim on rear bumper. Beltline lettering may be yellow;

(b) Retroflective material approved by the Department of Education shall be installed as a background for the required school bus lettering both on the front and rear of the body of buses purchased after September 1, 1993. Retroflective material shall have reflective values equal or greater than 3 M scotchlite diamond grade and retain at least 50 percent of those values for a minimum of six years. Maximum dimensions: 12" x 36".

(c) Additional retroflective material may be installed on the bus. Material, if used, shall be automotive engineering grade or better, meeting initial reflectance values in FHWA FP-85 and retaining at least 50 percent of those values for a minimum of six years. Retroflective materials and markings, if used, may include any or all of the following:

(A) Front and rear bumper: May be marked diagonally 45 degrees down to centerline of pavement with two-inch wide strips of noncontrasting reflective material;

(B) Rear of the bus body may be marked with a strip of retroflective National School Bus Yellow matching material no greater than two inches wide to be applied to the back of the bus, extending from the left lower corner of the "SCHOOL BUS" lettering, across to the left side of the bus; then vertically down to the top of the bumper; across the bus on a line immediately above the bumper to the right side, then vertically up to a point even with the strip placement on the left side, and concluding with a horizontal strip terminating at the right lower corner of the "SCHOOL BUS" letter;

(C) Sides of the bus body: May be marked with retroflective National School Bus Yellow matching material comprising background for letter at least six inches but no more than 12 inches in width, extending the length of the bus body and located (vertically) as close as practicable to the beltline. Two-inch wide reflective material having high intensity reflectance values (3M Scotchlite Diamond Grade or equivalent) may be substituted for the six inch to 12 inch wide materials;

(D) See Appendix for diagram defining locations of marking referred to above.

(8 Construction:

(a) Construction shall be of prime commercial quality steel, or other metal, or other material with strength at least equivalent to all-steel as certified by bus body manufacturer;

(b) Construction shall provide a water-tight and reasonably dustproof unit;

(c) Must meet or exceed applicable federal motor vehicle safety standards for construction, effective April 1, 1977.

(9) Crossing Arm:

(a) A crossing arm may be mounted on the front of a school bus in accordance with the following specifications:

(A) Installed on the front bumper as close as practical to the right (curb) side, opening left to right and providing an extension of the curbside of bus;

(B) Arm shall be located at least 18 inches but not more than 24 inches above ground level;

(C) Installed in a manner to limit the outward deployment to 90 degrees from the front bumper;

(D) Arm shall extend 72 inches from the front bumper in its extended position;

(E) Arm shall be activated through the existing bus safety light system assuring the driver is required to take no additional action to either deploy or retract the arm. No outward movement of the arm may occur before red flashing sequence begins;

(F) Override switches are prohibited;

(G) Crossing arm must be safeguarded from damage due to pushing or pulling by hand through the use of a clutch-like device or equivalent; (Double spring hinges are not acceptable.);

(H) The arm may be equipped with an amber flashing light that functions only when the arm is in the fully extended position;

(I) Entire unit shall have no sharp edges or other projections that could injure children or others due to casual contact;

(J) Unit shall provide secure mounting opportunities to prevent misalignment or failure due to extreme weather conditions;

(K) Shall meet or exceed all requirements in **SAE Standard J-1133**;

(L) Shall be either air, vacuum, or electrically operated and in conformance with subsection (39)(g) of this rule;

(M) Crossing arm color shall either appear in an unpainted state or comply with trim requirements listed in subsection (7)(a) of this rule;

(N) All components and connections shall be weatherproofed.

(10) Defrosters:

(a) Defrosting and defogging equipment shall direct a sufficient flow of heated air onto the windshield, the window to the left of the driver and the glass in the viewing area directly to the right of the driver to reduce the amount of frost, fog and snow;

(b) The defroster units shall have separate blower motors, in addition to the heater motors. Type A buses may have manufacturers' standard defrosters;

(c) A right front windshield and door defrosting unit with a separate hot water core and separate blower motors shall be provided on Type C buses;

(d) The defrosting system shall conform to **SAE Performance Standards J-381** and **382**;

(e) The defroster and defogging system shall be capable of furnishing heated outside ambient air, except that part of the system furnishing additional air to the windshield, entrance door and step well may be of the recirculating air type;

(f) Auxiliary fans are not be considered as a defrosting and defogging system:

(A) Auxiliary fans, if used, must be mounted above the windshield, so as not to interfere with the driver's vision of the roadway, mirrors or students outside the bus;

(B) The fan blades shall be covered with a protective cage.

(11) Doors:

(a) Service Door:

(A) Service door shall be under control of driver, and so designed as to afford easy release and provide a positive latching device for manual operating door so as to afford easy release and prevent accidental opening. When hand lever is used, no part shall come together so as to shear or crush fingers;

(B) Service door shall be located on right side of bus opposite driver and within direct view;

(C) Service door shall have minimum horizontal opening of 24 inches and minimum vertical opening of 68 inches. Type A buses shall have a minimum opening of 1,200 square inches;

(D) Service door shall be of split type, sedan type or jack-knife type. (Split type door includes any sectioned door which divides and opens inward or outward.) If one section of split type door opens inward and other opens outward, front section shall open outward;

(E) If power operated, pressure shall be controlled by a regulator valve or switch and provision shall be made for opening the door manually in the event of driver disability or mechanical failure. Emergency release valve or switch for power operated doors shall be located in an accessible place, in plain view, as near the service door as practicable. Valve or switch shall be properly identified and "open" and "closed" position plainly marked;

(F) Sedan: Sedan type door which opens inward in normal use shall be equipped with an adequate device for emergency opening outward;

(G) Lower as well as upper panels shall be of approved safety glass. Bottom of lower glass panel shall not be more than ten inches from top surface of bottom step. Top of upper glass panel shall not be more than six inches from top of door. Type A buses shall have a minimum 350 square inch upper glass panel;

(H) Vertical closing edges shall be equipped with flexible material to protect children's fingers. Type A buses may be equipped with chassis manufacturers' standard entrance door;

(I) There shall be no door to left of driver. (This shall not be interpreted to conflict with emergency doors or windows.) Type A and B buses may be equipped with manufacturer's left side driver's door;

(J) All doors shall be equipped with an energy absorbing pad at the top edge of each door opening. Pad shall be at least 3" wide and 1" thick and extend the full width of the door opening. Pad not required on Type A and B buses, left side driver's door.

(12) Emergency Exits:

(a) All buses purchased after September 1, 1993 shall be equipped with required emergency exits and identification listed in **49 CFR Part 571 FMVSS 217** as it has been adopted by National Highway Traffic Safety Administration for May 2, 1994 implementation plus all applicable standards specified in this rule;

(b) Type B, C, and D buses having a designed or equipped passenger capacity of 23 to 46 and equipped with a rear-emergency door shall provide one of the following emergency exit options in addition to those specified by **FMVSS 217**:

(A) One **FMVSS 217** complying left side emergency door; or

(B) One **FMVSS 217** complying roof hatch; or

(C) Two **FMVSS 217** complying swing-out windows providing a minimum clear opening of 18" x 24", one on each side of the bus approximately mid-point of the passenger compartment.

(c) Type B, C, and D buses having a designed or equipped passenger capacity of 47 to 63 and equipped with a rear emergency door shall provide one of the following emergency exit options in addition to those specified by **FMVSS 217**:

(A) One **FMVSS 217** complying left side emergency door; or

(B) One **FMVSS 217** complying roof hatch; or

(C) Four **FMVSS 217** complying swing-out windows providing a minimum clear opening of 18" x 24", two on each side of the bus approximately mid-point of the passenger compartment, but not immediately adjacent to each other.

(d) Selection of the added exits (if any) necessary to comply with the "additional emergency exit area" requirements of **FMVSS 217** shall be made by the vehicle purchaser in conformance to applicable rules;

(e) Manufacturer shall identify all emergency exits used for calculations relating to **FMVSS 217** compliance and list the daylight (clear) opening for each exit;

(f) A document identifying the following shall be provided by the vehicle seller to the Oregon Department of Education and bus purchaser prior to the bus being introduced into a bus system for the first time:

(A) Bus manufacturer;

(B) Bus identification number;

(C) Bus designed and equipped passenger capacity;

(D) Bus purchaser and district(s) served;

(E) All emergency exits used for **FMVSS 217** compliance; and

(F) Total square inches/square cm clear opening for each emergency exit provided in the bus.

(g) Rear emergency door exits:

(A) Type A buses with double rear emergency doors shall be hinged on the outside and have a three point fastening device;

(B) Upper portion of emergency door shall be equipped with approved safety glazing, exposed area of not less than 400 square inches;

(C) Lower portion of rear emergency door shall be equipped with approved safety glass and shall have an exposed area of not less than 350 square inches of approved safety glazing. Type A buses are not required to have lower rear emergency door glazing.

(D) There shall be no steps leading to emergency door;

(E) Clearance between outside emergency door handle and the emergency door shall not exceed 1/4-inch when handle is in closed position. Handle shall not provide a firm handhold to someone trying to "hitch" a ride. Handles shall be positioned to prevent snagging of clothing or pinching of fingers;

(F) Emergency door hinge shall not provide an opening for insertion of fingers when door is closed;

(G) If emergency door is lockable, provision must be made to prevent the bus from starting while the door is locked. An audible warning which does not affect engine operation shall be provided to alert the driver should the door be locked while the bus is in operation;

(H) An adequately padded head bumper shall be placed on the interior directly above any emergency exit door opening. The pad shall extend the full width of the door opening and shall be at least three inches wide and one inch thick;

(I) A one inch/three centimeter retroflective exterior perimeter marking shall be yellow in color, of automotive engineering grade material, and in compliance with both the retroflective requirement of **FMVSS** and durability specifications listed in **National Minimum Standard** for reflective material.

(f) Roof emergency exit:

(A) Roof emergency exit, when required, shall be installed in a school bus body in accordance with **FMVSS 217**;

(B) A roof exit shall be waterproof and provide a minimum clear opening of 16" x 16";

(C) Roof exit may also serve as a roof ventilator; however, this may not be used in place of the required static vent.

(13) Emergency Equipment:

(a) Belt cutter: Each bus equipped with passenger seat belts or webbed restraining devices shall have a belt cutter mounted in the driver's compartment, readily accessible and in plan view of the driver. Device shall be of a design offering protected cutting edges to prevent accidental or intentional injury to drivers or passengers;

(b) Emergency road reflectors:

(A) Each bus shall be equipped with at least three D.O.T. triangle reflectorized disabled vehicle warning devices;

(B) Reflectors must be in a container securely mounted with nut-and-bolt fasteners enhanced with large flat (fender) washers or held in place by a nut-and-bolt mounted metal bracket that also protects and secures the container lid. Both shall be located in an accessible location. Reflectors shall not be mounted in any engine compartment;

(C) If not mounted in plain view of the driver, the location shall be clearly designated.

(c) Body fluid cleanup kit: Buses purchased after September 1, 1993 shall have a removable moisture proof and dust proof body fluid cleanup kit, mounted in an accessible place within the driver's compartment. This place shall be marked to identify its location. Contents shall include at least the following items:

(A) Two pairs rubber/latex gloves;

(B) Two four-ounce packages of stabilized chlorine absorbent deodorant (or equivalent) capable of stabilizing at least 1 litre/36 fl. oz. of body fluids;

(C) One spatula for pick up of congealed fluid;

(D) One plastic bag in which to place congealed fluid;

(E) One red plastic bag with tie, identified for infectious waste and as a bio-hazard;

(F) One two-ounce bottle of germicidal detergent to apply to a contaminated area;

(G) Four paper towels to wipe up contaminated area;

(H) One one-ounce antiseptic alcohol hand rinse (or equivalent);

(I) One placard of step by step use instructions.

NOTE: Germicidal detergents, stabilized chlorine absorbent deodorant, alcohol hand rinse, or their equivalents shall provide documentation of EPA approval regarding their microbiological efficacy for at least the following:

Staphylococcus aureus
Pseudomonas aeruginosa
Salmonella choleraesuis
Streptocococcus species
Herpes simplex Type II
HIV (associated with AIDS)
Fungi (athlete's foot)
Poliovirus;
Tuberculosis.

Documentation of efficacy for Hepatitis B may be hospital or test studies. The certified effective shelf life of these products shall be a minimum of 12 months. Product expiration date shall be clearly displayed on all time-sensitive products.

(d) Fire extinguishers:

(A) Each bus shall be equipped with at least one pressurized, dry, chemical type fire extinguisher, mounted in a bracket and located in the driver's compartment, readily accessible and in plain view of the driver. A pressure gauge shall be mounted on the extinguisher so as to be readily read without removing the extinguisher from its mounted position;

(B) The fire extinguisher shall be of a type approved by the Underwriters Laboratories, Inc., with a rating of not less than 2 A-10 BC. The extinguisher shall have a minimum five pound capacity and equipped with a hose and nozzle;

(C) The operating mechanism shall be sealed with a type of seal which will not interfere with the use of the fire extinguisher;

(D) Extinguishers with plastic heads are not permitted.

(e) First aid kit:

(A) Each bus shall have a readily removable, moisture proof and dustproof first-aid kit container mounted in an accessible place within driver's compartment. If not mounted in plain view of the driver, the location shall be clearly designated;

(B) The first aid kit contains a minimum of 24 units which shall include the following:

Units	**Contents**
1	1" adhesive compress — 16 per unit
2	2" bandage compress — four per unit
2	3" bandage compress — two per unit
2	4" bandage compress — one per unit
2	3" x 3" plain gauze pads — four per unit
2	2" x 6 yards gauze roller bandage — one per unit
3	1/2 square yard gauze
3	24" x 72" gauze
4	Triangular bandage
1	1/2 x 5 yard adhesive tape — one per unit
1	round nose scissors and tweezers. Latex gloves-one pair
1	microshield for mouth to mouth airway (to lay on top of other contents)

(C) Specific local requirements may be substituted in lieu of two units of 1/2 square yard gauze.

(14) Floor:

(a) Floor in underseat area, including tops of wheelhousing, driver's compartment and toeboard, shall be covered with rubber floor covering or equivalent having minimum overall thickness of .125 inch:

(A) Floor covering in aisle shall be of aisle-type fire-resistant rubber or equivalent, wear-resistant and ribbed. Minimum overall thickness shall be .1875 inch measured from tops of ribs;

(B) Floor covering must be permanently bonded to floor and must not crack when subjected to sudden changes in temperature. Bonding or adhesive material shall be waterproof and shall be of type recommended by manufacturer of floor-covering material. All seams must be sealed with waterproof sealer.

(b) Edge of floor at stepwell shall be treated as a step edge and shall be protected as required in subsection (37)(c) of this rule;

(c) A vapor and liquid proof inspection plate provided for access to the fuel tank sending unit is permissible;

(d) A sub-floor of 5-plywood, at least 5/8-inch nominal thickness or equivalent, may be installed over the standard school bus floor. Plywood shall equal or exceed properties of exterior-type softwood plywood, C-D grade as specified in standards issued by the U.S. Department of Commerce. Floor shall be level from front to back and from side to side except for wheelhousing, toeboard and driver's seat platform areas;

(e) For Type A buses that are not constructed with a standard school bus floor, the existing metal floor in the passenger area shall be covered with not less than 1/2-inch nominal thickness exterior C-D grade plywood. All plywood seams shall extend from side to side (laterally), longitudinal seams not permitted.

(15) Heaters:

(a) At least one heater of hot water type is required in all buses;

(b) If only one heater is used, it shall be of fresh-air or combination fresh-air and recirculating type;

(c) If more than one heater is used, additional heaters may be of recirculating air type;

(d) The heating system shall be capable of maintaining throughout the bus a temperature of not less than 50 degree Fahrenheit at average minimum January temperature as established by the U.S. Department of Commerce, Weather Bureau, for the area in which the vehicle is to be operated;

(e) All heaters installed by body manufacturers shall bear a name plate which shall indicate the heater rating in accordance with **SBMI Standard No. 001**, said plate to be affixed by the heater manufacturer which shall constitute certification that the heater performance is as shown on the plate;

(f) Heater hoses shall be adequately supported to guard against excessive wear due to vibration. The hoses shall not dangle or rub against the chassis or sharp edges, and shall not interfere with or restrict the operation of any engine function. Heater hose shall conform to **SAE 320c**. Heater hoses on the interior of the bus shall be shielded to prevent scalding of the driver or passengers;

(g)(A) Each hot water heater system installed by a body manufacturer shall include a shutoff valve installed in the pressure and return lines near the engine in an accessible location;

(B) There shall be a water flow regulating valve for the front heater installed for convenient operation by the driver while seated.

(h) Return heater lines on body company installed heaters shall be equipped with bleeder valves in an accessible location to allow for removal of heater line air;

(i) Combustion type heaters may be installed and shall comply with all the following:

(A) The combustion type heater must be installed outside the passenger compartment;

(B) Exhaust exit from the heater must meet the same location requirements as for engine exhaust;

(C) The heater must have been tested by a qualified laboratory and certified as complying with the following regulations:

(i) Code of Federal Regulations, **CFR 300-399**, Transportation Heaters, **393.77** and **CFR 49, Part 571**, Transportation: **Motor Vehicle Safety Standards 301**; Fuel System Integrity;

(ii) **American Institute of Electrical and Electronic Engineers, IEEE1**: Temperature Limits in Rating Electrical Equipment;

(iii) **UL 307A**: Liquid Fuel-Burning Heating Appliances, **UL 756C**: Polymeric Materials — Use

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in Electrical Equipment, and **UL 796**: Printed Wiring Boards;

(iv) **TE-12**: Impact Testing of Vehicular Components.

(D) Provide isolation valves at the heater for both the coolant feeder and return lines;

(E) Heater must be equipped with a pressure relief value preset to release any internal system pressure over 50 psi;

(F) An impact switch for the heater's electric fuel pump that will stop the pump with special inertial mechanics.

(j) Portable heaters may not be used.

(16) Identification:

(a) School bus bodies shall bear the words **"School Bus"** in black letters at least eight inches high and of proportionate width on both front and rear of body. Lettering shall be placed as high as possible without impairment of its visibility;

(b) A warning sign, calling attention to the school bus stop law shall be installed on the rear of all school buses. It shall be centered on the back of the bus and occupy the space, belt high, directly beneath the upper window in the rear door. Signs on transit type buses shall occupy approximately the same area. Signs on Type A buses with double rear door having obstructions such as door handles and recessed license plate holders that prevent sign centering shall be placed completely on the right side (rear) door in a manner that all reflective letters are located on that door and as high on the lower portion of the door as practicable in relationship to the door handle, but the top of the sign may be no more than four inches below handle shaft. Sign shall conform to the following:

(A) Decals with white reflectorized letters conforming to retroflective requirements listed in subsection (7)(c) of this rule mounted on a flat black background;

(B) Decal shall be 9 inches by 30 inches with lettering as shown below:

UNLAWFUL TO PASS
WHEN
RED LIGHTS FLASH

(C) It is prohibited for any school bus to display a warning sign which does not meet the above requirements;

(D) The name of the school district or contractor company name shall be placed on the side of each bus. Such signs shall appear in the areas directly below the side windows and the letters and figures in such signs shall not be less than four inches nor more than six inches in height and of proportionate width;

(E) School team name or contractor's insignia may be placed above the side windows on the front portion of the bus body. All such lettering must be approved by the Pupil Transportation Section of the Oregon Department of Education;

(F) At least one bus identification number at least 4" in height shall be placed on a flat vertical surface on each side and on the front and rear of the bus. At least one complete unit number shall be visible from any point 50 feet from the bus. Symbols may be used in lieu of numbers. Type A bus numbers may be three inches in height. Bus identification numbers are not required if the school has only one route bus;

(G) Only signs and lettering approved by state law or by the regulations of the Department of Education shall appear on the inside or outside of a school bus.

(17) Inside Height: Clear inside body height shall be 72 inches or more measured at any point on the longitudinal center line from front vertical bow to rear vertical bow. Type A bus height shall be not less than 62 inches.

(18) Instruments, Gauges, Indicators: Body manufacturer shall be in no manner obstruct the driver's visibility of required instruments, gauges or indicator provided by the chassis manufacturer. Body instrument panel lights shall be controlled by an independent rheostat switch.

(19) Insulation:

(a) Ceiling and walls in all buses purchased after September 1, 1985, shall be insulated with proper material to deaden sound and to reduce vibration to a minimum. Thermal insulation of fire-resistant and non-water absorbing material approved by Underwriters Laboratories, Inc., is required in body ceiling and walls;

(b) If floor insulation is desired it must be 5-ply, at 5/8-inch thick plywood as specified in section (14) of this rule.

(20) Interior:

(a) Interior of bus shall be free of all unnecessary projections likely to cause injury including luggage/book racks on buses purchased after September 1, 1993 or retrofitting occurring after that date. This standard requires inner lining on ceilings and walls. If ceiling is constructed so as to contain lapped joints, forward panel shall be lapped by rear panel and exposed edges shall be beaded, hemmed, flanged or otherwise treated to minimize sharp edges;

(b) Ceiling of bus shall be free of all projections which can cause injury in the event of a collision or rollover (see section (30) of this rule);

(c) All materials used in the interior of a school bus body shall meet the requirement of **Federal Motor Vehicles Safety Standard No. 302**, Flammability of Interior Materials.

(d) Construction of buses manufactured after September 1, 1993 shall assure noise level taken at the ear of the occupant nearest to the primary vehicle noise source shall not exceed 85 DBA when tested according to the procedure found in the Appendix (Noise Test Procedure).

(21) Lamps and Signals:

(a) All lamps on exterior of bus shall conform with and be installed as required by Oregon Motor Vehicle law and the **Federal Motor Vehicle Safety Standard No. 108**, effective **January 1985**;

(b) Headlamps. When furnished by body manufacturer, shall be of proper intensity and adjustment as specified by Oregon Motor Vehicle law;

(c) Stop-tail lamps: Buses shall be equipped with four combination red stop-tail lamps. Two combination lamps with a minimum diameter of seven inches, or if a shape other than round, a minimum 38 square inches of illuminated area shall be mounted on the rear of the bus on the beltline or immediately below. Two combination lamps with a minimum diameter of four inches, of if a shape other than round, a minimum 12 square inches of illuminated areas shall be placed on the rear of the body between the beltline and the floor line. Rear license plate lamp may be combined with one lower tail lamp. Stop lamps shall be activated by the service brakes and shall emit a steady light when illuminated. Type A buses with bodies supplied by chassis manufacturer may have manufacturer's standard stop and tail lamps;

(d) Clearance and identification lights: Each bus shall be equipped with clearance and identification lights as required by Oregon Motor Vehicle and **Federal Motor Vehicle Safety Standard No. 108**;

(e) Reflectors: Each bus shall be equipped with reflectors as required by Oregon Motor Vehicle law and **Federal Motor Vehicle Safety Standard No. 108**;

(f) Directional Signals. Each bus shall be equipped with front and rear turn signal lamps that conform to requirements of the Oregon Motor Vehicle law. Lamps shall have a minimum illuminated area of 38 square inches. Lamps shall be amber in color whether mounted at the front or rear. Type A buses may be equipped with manufacturers standard front turn signals. Front turn lamps shall be mounted on cowl directly below windshield. Signal lamps shall be independent units and connected to chassis-supplied turn signal switch and four-way hazard warning switch to cause simultaneous flashing of turn signal lamps when needed as vehicular traffic hazard warning. A turn signal lamp with a minimum of four candlepower shall be mounted on each body side at approximately seat level height, located to the rear of the entrance door on the right side of the body and approximately the same location on the left side. These are to be connected to and function with the regular turn signal lamps. Type B buses may have the right side body turn signal forward of the entrance door;

(g) Back-up lamps: Two back-up lamps shall be provided in accordance with **Federal Motor Vehicle Safety Standard 108**;

(h) Back-up warning alarm: An automatic audible alarm shall be installed on the rear of all new buses purchased after November 1, 1985, that complies with the Society of Automotive Engineers (**SAE 994**) Backup Alarm Standard specifying 97 ± 4db(A);

(i) Interior dome lamps: Interior lamps shall be provided which will adequately illuminate interior aisles. There shall be at least one interior lamp for every two rows of passenger seats. One or two rear dome lamp(s) shall be wired through a separate switch. Separate circuit for rear dome lamp(s) is not required on buses with less than five rows of seats;

(j) Stepwell lamp: A stepwell lamp shall be provided which will adequately illuminate the entire stepwell. The lamp circuit shall be wired through the headlamp or clearance lamp system and shall be activated only when the door is opened;

(k) School bus alternately flashing signal lamps (School Bus Safety Lights):

(A) Each school bus shall be equipped with a system consisting of four red signal lamps designed to conform to **SAE Standard J887, "School Bus Red Signal Lamps", July 1964**, and four amber signal lamps designed to that standard, except for color, and except that their candle power shall be at least 2-1/2 times that specified for red signal lamps. Lamps shall have minimum of 5-1/2 inches diameter and shall be a sealed beam approved by the Oregon Department of Motor Vehicles and the Society of Automotive Engineers;

(B) The system shall be wired so that the system is activated by a manually operated spring loaded switch clearly labeled and distinguishable from other switches. Wiring of the system through the ignition or any other circuit other than a complete electrical system cut off switch is not permitted. A circuit master switch is permitted if the manually operated activating switch and the master switch are placed no further than 1/8-inch apart and operate in a similar fashion;

(C) For buses equipped with power controlled entrance doors, an additional spring loaded switch that will activate the red school bus safety lights prior to opening entrance door is permissible;

(D) The flashing mechanism shall be capable of carrying the full current load of the signal system;

(E) Right and left signal lamps shall flash alternately. Each signal lamp shall flash not less than 60 nor more than 120 flashes per minute. The "on" period shall be long enough to permit bolt filament to come up to full brightness:

(F) Pilot lamps/monitors:

(i) Each bus shall be equipped with two, 3/8-inch illuminated pilot lamps — one amber and one red — to indicate when the respective amber or red system is actuated. Pilot lamps shall be place within a 140° field of vision for a 95th percentile female anthropomorphic test dummy seated in a normal driving position. Pilot lamps shall also provide an unmistakable indication that the flasher system is operating and an unmistakable indication if any circuit is broken, any lamp is not operating or the system is not otherwise functioning normally unless a separate monitoring system performs all those functions; or

(ii) Each bus shall be equipped with a monitor system utilizing 3/8-inch illuminated red and amber lamps to indicate when the respective amber or red system is actuated. Monitor shall be placed within a 140° field of vision for a 50th percentile anthropomorphic test dummy seated in a normal driving position. Monitor shall also provide an unmistakable indication that the flasher system is operating and an unmistakable indication if any circuit is broken, any lamp is not operating or the system is not functioning normally.

(G) School Bus Safety Light system shall operate as follows:

(i) With entrance door closed, depress hand switch. Amber pilot light and amber bus safety lights shall go on;

(ii) Open entrance door; amber bus safety lights shall go off, and red pilot light and red bus safety lights shall go on;

(iii) Close entrance door; pilot and bus safety lights shall go off;

(iv) Reopen entrance door without depressing hand switch; no bus safety lights shall go on. Depress hand switch, red pilot light and red bus safety lights shall go on.

(H) There shall be a cancelling switch that will deactivate the amber bus safety lights and flasher sequence if they are accidentally activated or if the driver discovers there is no need to make a stop after activating the switch;

(I) Installation requirements:

(i) Both red and amber signal lamps shall be installed in accordance with **SAE Standard J887**, except that each amber signal lamp shall be located near each red signal lamp, at the same level, but closer to the vertical centerline of the bus. Each signal lamp shall be mounted with its axis substantially parallel to the longitudinal axis of the vehicle;

(ii) Front and rear alternately flashing bus safety lights shall be spaced as far apart laterally as practicable;

(iii) Alternately flashing bus safety lights shall be mounted at the front above the windshield and at the rear so that the lower edge of the lens is not lower than the top line of the side windows;

(iv) Vertical and lateral vision of the front and rear alternately flashing warning bus safety lights shall not be obstructed by any part of the body or lamphouse insofar as standard bus body construction will permit;

(v) Where practicable, the area around lens of each alternately flashing warning bus safety light and extending outward at least three inches or more shall be painted black;

(vi) Lamp visors or hoods, manufactured for that purpose, shall be installed above each bus safety light on all new buses purchased after November 1, 1985;

(vii) A separate fuse or circuit breaker, adequate to prevent damage to the system in the event of a short circuit, shall be provided between the power source and flasher system.

(l) Strobe Lamp:

(A) A white flashing lamp, approved by the Oregon Department of Education, may be installed on the longitudinal center of the roof not less than 1/3 or more than 1/2 the overall length of the roof, from the rear of the bus body. The lamp shall have a single clear lens emitting light 360 degrees around its vertical axis and may not extend above the roof more than 6-1/2 inches or maximum legal vehicle height;

(B) The lamp shall have a separate switch and be wired through the vehicle hazard lamp system. A pilot lamp to indicate when the light is in operation is required.

(22) Metal Treatment:

(a) All metal used in construction of bus body shall be zinc-or aluminum-coated or treated by equivalent process before bus is constructed. Included are such items as structural members, inside and outside panels and floor sill; excluded are such items as door handles, grab handles, interior decorative parts and other interior plated parts;

(b) All metal parts that will be painted shall be (in addition to above requirements) chemically cleaned, etched, zinc-phosphate coated and zinc-chromate or epoxy primed or conditioned by equivalent process;

(c) In providing for these requirements, particular attention shall be given lapped surfaces, welded connections of structural members, cut edges, punched or drilled hole areas in sheet metal, closed or box sections, unvented or undrained areas and surfaces subjected to abrasion during vehicle operation;

(d) As evidence that above requirements have been met, samples of materials and sections used in construction of bus body, when subjected to 1,000-hour salt spray test as provided for in latest revision of **ASTM designation, B-117 "Standard Method of Salt Spray (Fog) Testing"** shall not lose more than ten percent of material by weight.

(23) Mirrors:

(a) Exterior Mirror Systems:

(A) All buses purchased after September 1, 1993 shall be equipped with mirror systems complying with **49 CFR Part 571**, FMVSS 111 as adopted by the National Highway Traffic Safety Administration for December 3, 1993 implementation, plus all applicable standards specified in this rule;

(B) Manufacturer shall certify compliance with mirror and direct/indirect visibility standards listed in the aforementioned **FMVSS 111** and provide copy to bus purchaser for all buses manufactured prior to January 1, 1994.

(b) Interior Mirror:

(A) Interior mirror shall be eight clear view laminated glass or clear view glass bonded to a backing which retains the glass in the event of breakages. Mirror shall be a minimum of 6" x 30" Mirror shall have rounded corners and protected edges.

(B) Type A buses shall be equipped with a mirror providing at least 96 square inches of flat mirror surface;

(C) Bus seller shall certify compliance with mirror and direct/indirect visibility standards listed in the aforementioned **FMVSS 111** and provide a copy to used bus purchasers when certification is not available from manufacturer for all buses manufactured prior to January 1, 1994.

(24) Mounting:

(a) Chassis frame shall support rear body cross member. Bus body shall be attached to chassis frame at each main floor sill, except where chassis components interfere, in such a manner as to prevent shifting or separation of body from chassis under severe operating conditions;

(b) Body front shall be attached and sealed to chassis in such manner as to prevent entry of water, dust or fumes through joint between chassis cowl and body;

(c) When floor is provided by bus body manufacturer, adequate insulating padding shall be placed at all contact points between body and chassis frame. Insulating material shall be approximately 1/4-inch thick and shall be so attached as to prevent movement under severe operating conditions.

(25) Mud Flaps:

(a) Mud flaps or splash aprons are required for rear wheels on all school buses and shall be provided by the body manufacturer;

(b) Flaps shall be of the heavy-duty rubberized material or equivalent and shall extend at least the full width of tires from a point above the center of the tires to a point not more than ten inches above the surface of the highway when such vehicle is empty.

(26) Overall Length: Maximum length for school buses shall be limited to 40 feet (see OAR 581-53-512, Bus Chassis, section (33), Turning Radius: ORS 818.080).

(27) Overall Width: Overall width of bus shall not exceed the maximum permitted by Oregon Motor Vehicle Laws.

(28) Overhang: Body shall be so mounted as to comply with requirements described in chassis

weight distribution standard. Body length extending beyond the rear axle shall not exceed three-fourths the length of the vehicle's wheel base per **Oregon Vehicle Code**.

(29) Racks: The installation of any kind of exterior luggage rack outside the bus is prohibited. This does not prohibit enclosed luggage compartments.

(30) Radios and Public Address Systems:

(a) Interior speakers mounted in the ceiling panels shall be either flush mounted or may protrude not more than 1-1/2 inches if the speaker housing is free of any corners or projections which can cause injury by striking with the head or in the event of a collision or rollover. Speakers protruding more than 1-1/2 inches may be mounted in the vertical end panels above the windshield or back windows as long as speakers are free of corners or projections which could cause injury;

(b) Speakers shall not be placed above any aisle;

(c) Buses purchased after November 1, 1985, shall be equipped with a public address system having interior and exterior speakers.

(31) Rub Rails:

(a) There shall be one rub rail located on each side of bus approximately at seat level which shall extend from rear side of entrance door completely around bus body (except for emergency door and access panel(s)) to point of curvature near outside cowl on left side;

(b) There shall be one rub rail located approximately at floor line which shall cover same longitudinal area as upper rub rail, except at wheelhousing, and shall extend only to radii of right and left rear corners;

(c) Both rub rails shall be attached at each body post and all other upright structural members;

(d) Both rub rails shall be four inches or more in width, shall be of 16-gauge steel, suitable material of equivalent strength, and shall be constructed in corrugated or ribbed fashion;

(e) Both rub rails shall be applied to the outside body or outside body posts. Pressed-in or snap-on rub rails do not satisfy this requirement. For Type A buses using chassis manufacturer's body, or Type B, C and D buses using rear luggage or engine compartment, rub rails need not extend around rear corners.

(32) Sanders: Where used, sanders shall:

(a) Be of hopper cartridge-valve type;

(b) Have mental hopper with all interior surfaces treated to prevent condensation of moisture;

(c) Be of at least 100 pound (grit) capacity;

(d) Have cover on filler opening of hopper, which screws into place, sealing unit airtight;

(e) Have discharge tubes extending to front of each rear wheel under fender;

(f) Have no-clogging discharge tubes with slush-proof, nonfreezing rubber nozzles;

(g) Be operated by electric switch with telltale light mounted on instrument panel;

(h) Be exclusively driver-controlled.

(33) Seat Belt:

(a) A Type 2 lap belt/shoulder harness seat belt shall be provided for the driver. Each belt section shall be booted to keep belt and the button or buckle type latch off floor when not in use. Shoulder belt assemblies on Type B, C, and D buses shall provide for a height adjustment of at least four inches at its upper point of attachment to the bus. Belt shall be anchored or guided in a manner at the seat frame to prevent the driver from sliding sideways when belt is in use. Locking retractors may be either an ELR Emergency Locking Retractor) or an ALR (Automatic Locking Retractor). All ALR equipped buses received after July 1, 1989, must include an approved anti-cinching device;

(b) Seat belts for passengers: Passenger seat belts may be installed in school buses with a CVWR of more than 10,000 pounds. The attachments, belts and installation shall meet the requirements of **Federal Motor Vehicle Safety Standard Nos. 208, 209 and 210** as they apply to school buses with a GVWR of 10,000 pounds or less.

(34) Seats and Crash Barriers:

(a) Seats and barriers shall meet requirements of **Federal Motor Vehicle Safety Standard No. 222**;

(b) All seats shall have minimum depth of 15 inches;

(c) In determining seating capacity of bus, the minimum allowable rump width shall be 13 inches;

(d) Seat, seat back cushion and crash barrier shall be covered with a material having a minimum 42-ounce finished weight, 54-inch width and finished vinyl coating of 1.06 broken twill, or other material with equal tensile strength, tear strength, seam strength, adhesion strength, resistance to abrasion, resistance to cold, and flex separation. Material shall meet or exceed the criteria contained in the School Bus Seat Upholstery Fire Block Test for all buses purchased after September 1, 1993 (See Appendix);

(e) All seats shall be forward facing and shall be securely fastened to that part(s) of bus which support them with a nut-and-bolt type of fastener. Each seat leg shall be secured to the floor by a minimum of two nut-and-bolt type fasteners of at least grade 5 SAE strength. Sheet metal screw-type fasteners without a nut are not acceptable, except in areas where it is not possible to install a nut-and-bolt type fastener. Type A bus seat fasteners shall meet the requirements of **Federal Motor Vehicle Safety Standards 209** and **210**;

(f) No bus shall be equipped with jump seats or portable seats. Flip-up seats at side emergency exit doors are allowed;

(g) Seat spacing shall not be less than 24 inches between the front of the back of each seat and the rear of the back of the seat immediately ahead. This shall be measured at cushion height on a plane parallel to the center line of the bus;

(h) Driver's seat shall be so located in relationship to the steering wheel that the driver may assume a natural position while driving, have a clear view of the road, and sufficient leg room to operate safely and effectively the brake and clutch pedals and accelerator without cramping or interference. Minimum distance between steering wheel and back rest of driver's seat shall be 11 inches. Driver's seat shall have a fore-and-aft adjustment of not less than four inches and shall on Type B, C, and D buses be capable of being raised and lowered at least three inches and shall be strongly attached to comply with acceptable installation procedures;

(i) Each passenger seat and drivers seat shall have positive type of retention system to prevent seat cushion from disengaging from seatframe in the event of an accident or rollover.

(35) Steering Wheel: (See OAR 581-53-512(29), Steering Gear also.) Steering wheel outside circumference shall have at least two inches of clearance at all points.

(36) Steps:

(a) Service door entrance may be equipped with two-step or three-step stepwell. Risers in each case shall be approximately equal and shall not exceed ten inches in height. When plywood floor is used on steel, differential may be increased by thickness of plywood used:

(A) First step at service door shall be not less than ten inches and not more than 14 inches from ground, based on standard chassis specifications;

(B) Type D buses shall be equipped with a three-step stepwell. Each first step at service door shall not be less than 12 inches and not more than 16 inches from the ground based on standard chassis specification.

(b) Steps shall be enclosed to prevent accumulation of ice and snow;

(c) Steps shall not protrude beyond side body line;

(d) Steps (if any) on Type A buses not manufactured originally as school buses may be chassis manufacturer's standard;

(e) Grab handle not less than 20 inches in length shall be provided in unobstructed location inside doorway.

(37) Step Treads:

(a) All steps, including floor line platform area, shall be covered with 3/16-inch rubber floor covering or other materials equal in wear resistance and abrasion resistance to top grade rubber;

(b) Metal back of tread, minimum 24-gauge cold roll steel, shall be permanently bonded to ribbed rubber;

(c) 3/16-inch ribbed step tread shall have a 1-1/2 inch white nosing as integral piece without any joint;

(d) Rubber portion of step tread shall have the following characteristics:

(A) Special compounding for good abrasion resistance and high coefficient of friction;

(B) Flexibility so that it can be bent around a 1/2-inch mandrel both at 130° F. and 20° F. without breaking, cracking or crazing;

(C) Show a durometer hardness 85 to 95.

(38) Steps, Windshield Access: There shall be at least one folding step or recessed foothold and suitable located handles on each side of the front of the body for easy accessibility for cleaning the windshield and lamps except when windshield and lamps are easily accessible from the ground. Standard does not apply to chassis not originally manufactured as school buses.

(39) Stop Signal Arms: All buses purchased after September 1, 1993 and all buses in service after August 1, 1995 shall be equipped with stop signal arms mounted in accordance with the following requirements:

(a) Shall meet all applicable requirements of the **Federal Motor Vehicle Safety Standard 49 CFR 571.131**;

(b) Shall be installed on the left side of the bus: the vertical center of the stop blade shall be at least seven inches but not more than 14 inches below the window line, on the first body post to the rear of the driver or as close as practicable;

(c) Shall be a metal octagon shaped sign 18 inches wide and 18 inches long exclusive of the mounting bracket. A windguard shall be provided. All sheet metal parts shall be 16 gauge metal or heavier;

(d) Shall have the word **"STOP"** on both sides in white letters six inches high and of proportionate width on a red background. The outer edge shall have a white border one-half inch wide. All other parts of the assembly shall be painted black;

(e) Shall be equipped with 2/4-inch, double faced alternating flashing red lamps to be mounted near the perimeter of the sign with a minimum of 12 inches spacing between lamp centers. The stop arm and lamps shall be wired to the circuit of the flashing red warning lamps mounted on the front and rear of the bus and shall operate simultaneously with the red bus safety lamps. Lamps shall have a luminous intensity no greater than 300 candela or equivalent. Lamps may be incandescent or strobe;

(f) May be reflectorized:

(A) Reflectorized material shall be of automotive engineering grade or better;

(B) Reflectorized material may be retroflective or reflective.

(g) Shall be either air, vacuum or electrically operated:

(A) Air operated stop arms:

(i) Air may be supplied from an air accessory tank or from the first (wet) tank;

(ii) If source is from the first (wet) tank a pressure protection valve shall be installed to prevent the tank air supply from falling below 60 pounds;

(iii) Stop arm system must have a pressure regulating valve;

(iv) All fittings shall be brass.

(B) Vacuum operated stop arms:

(i) Vacuum shall be supplied from a separate accessory tank. Tank shall be protected by a check valve;

(ii) All fittings shall be brass.

(40) Sun Visor: Interior adjustable sun visor, not less than 6 by 30 inches in size, shall be installed above windshield in position convenient for use by driver. If transparent visor is used, it shall be of such material so as not to prevent distinguishing between the colors of red and green traffic signals. Vehicles not originally manufactured as school buses may be equipped with manufacturer's standard visor. Buses purchased after November 1, 1985, shall have visors with protected edges.

(41) Tail Pipe: (See OAR 581-53-512, Bus Chassis, section (14) also.) Tail pipe shall extend to outside surface of the rear bumper but not more than two inches beyond the rear bumper. The tail pipe may be routed through the rear bumper. If tail pipe is routed to the left side of body, the tail pipe shall extend at least to body skirt, but not more than one inch beyond body skirt.

(42) Tool Compartment: A metal container of adequate strength and capacity for storage of tire chains, tow chains and such tools as may be necessary, may be provided. Container may be located inside or outside of passenger compartment. If inside, it shall have a cover and positive type latch to prevent opening in event of a severe impact or bus rollover, and shall be attached to the floor with a nut and bolt fastener, or may be securely attached to a seat frame under a seat.

(43) Tow Hooks:

(a) Type C buses shall be equipped with two rear tow hooks, or one center tow hook tied to both frame rails, that have sufficient strength to pull or be pulled by another vehicle of the same G.V.W.R. Tow hooks shall be installed in order that no permanent distortion to the body or chassis will result if the bus must be towed. (See also OAR 581-53-512, Bus Chassis, section (31), Tow Hooks.);

(b) Type D vehicles shall be equipped with two rear tow hooks or tow eyes, and at least one front tow hook or eye, mounted or capable of immediate mounting. Hooks or eyes shall have sufficient strength to pull or be pulled by another vehicle of the same GVWR.

(44) Undercoating:

(a) Entire underside of bus body, including floor sections, cross member and below floor line side panels, shall be coated with rust-proofing compound for which compound manufacturer has issued notarized certification of compliance to bus body builder that compound meets or exceeds all performance and qualitative requirements of **Paragraph 3.4 of Federal Specification TT-C-520b** using modified test procedures* for following requirements:

(A) Salt spray resistance — Pass test modified to five percent salt and 1,000 hours;

(B) Abrasion resistance — Pass;

(C) Fire resistance — Pass.

(b) Undercoating compound shall be applied with suitable airless or conventional spray equipment to recommended film thickness and shall show no evidence of voids in cured film.

*Test panels are to be prepared in accordance with **Paragraph 4 6.12 of TT-C-520a** with modified procedure requiring that tests be made on a 48-hour air cured film at thickness recommended by compound manufacturer.

(45) Ventilation:

(a) Body shall be equipped with suitable, controlled ventilating system of sufficient capacity to maintain proper quantity of air under operating conditions without opening of windows except in extremely warm weather;

(b) Static-type nonclosable exhaust ventilation shall be installed in low-pressure area of roof.

(46) Video surveillance cameras may be installed inside or on the forward bulkhead (header) above the windshield in compliance with the following requirements:

(a) Surface mounted camera/camera housing/video recording devices or those extending into the passenger compartment shall be mounted as close as practicable directly above the driver but not to extend into the area directly forward of the aisle beyond the existing 6" x 30" rear view mirror or the installation complies with all of the following:

(A) The camera/recorder/housing extends into passenger compartment no more than 9";

(B) Extends down from the ceiling no more than 5";

(C) Is no wider than 5"; and

(D) Is located as close as practicable to the midpoint of the header at the highest possible position.

(b) If camera/camera housing or video receiving device extends into the passenger compartment all edges must be rounded and/or protected with enclosure of shatterproof construction;

(c) Flush mounted camera systems (no extension into passenger compartment) may be mounted in any desired position on the bulkhead;

(d) Camera/camera housing must be adequately secured to the bulkhead or ceiling in a manner to prevent separation from the vehicle in the event of a collision or mishap. Securement system shall be capable of withstanding a force of 5,672 Newtons applied from any direction without separation from the bus;

(e) Camera mounting design must allow ready access for camera and video recording medium removal;

(f) All electrical connections shall be made with UL approved wiring and protected by grommets any place it passes through metal panels.

(47) Weight Distribution:

(a) Weight distribution of fully loaded bus on level surface shall be such as to not exceed the manufacturer's front Gross Axle Weight Rating (GAWR) and rear Gross Axle Weight Rating;

(b) Weight distribution of fully loaded bus on level surface shall be such that not more than 75 percent of gross vehicle weight is on rear tires and not more than 35 percent is on front tires. Type B and D buses with engine inside front of body and entrance door ahead of front wheels shall have not more than 75 percent of gross vehicle weight on rear tires nor more than 50 percent on front tires. If entrance door is behind front wheels, not more than 75 percent of gross vehicle weight shall be on rear tires not more than 40 percent on front tires. With engine in rear, not more than 75 percent of gross vehicle weight shall be on rear tires nor more than 40 percent on front tires.

(48) Wheelhousing:

(a) The wheelhousing opening shall allow for easy tire removal and service;

(b) Wheelhousing shall be attached to floor sheets in such a manner as to prevent any dust, water or fumes from entering the body. Wheelhousing shall be constructed of 16-gauge steel, or other material of equal strength;

(c) The inside height of the wheelhousing above the floor line shall not exceed 12 inches;

(d) The wheelhousing shall provide clearance for installation and use of tire chains on single and dual (if so equipped) power-driving wheels;

(e) No part of a raised wheelhousing shall extend into the emergency door opening.

(49) Windshield and Windows:

(a) All glass in windshield, windows and doors shall be of approved safety glass so mounted that its identification mark is visible and of a quality to prevent distortion in any direction. All glazing materials shall be on the approved list of the Oregon Department of Motor Vehicles;

(b) Windshield shall be of safety plate glass AS-1 grade as specified by **American National Standards Institute Safety Code Z26.1-1966**;

(c) Windshield glass may be heat absorbing and may have a horizontal gradient band starting slightly above the line of the operator's vision and gradually decreasing in light transmission to 20 percent or less at the top of the windshield in compliance with **Federal Motor Vehicle Safety Standard 205**;

(d) Glass in all side windows, doors and rear windows shall be **AS-2** or better grade, as specified in **Z26.1-1966**, or **AS-4** coated abrasion resistant rigid plastic meeting requirements of **Federal**

Motor Vehicle Safety Standard 205. Rigid plastic cannot be used for windshields or windows immediately to the left or right of the driver;

(e) Side windows shall conform to the following:

(A) Full drop or split sash windows which provide an unobstructed opening of at least 12 inches and not more than 14 inches in height, obtained by lowering the sash, and at least 22 inches in width;

(B) One window on each side of the bus may be less than 22 inches in width.

(50) Windshield Washers: Bus shall be equipped with electric or air operated windshield washers.

(51) Windshield Wipers: Bus shall be equipped with two windshield wipers of air or electric type, powered by separate motors of at least two speeds and with sufficient power to operate wipers under severe weather conditions. Type A bus manufacturer's standard is permitted.

(52) Wiring:

(a) All wiring shall conform to current standards of Society of Automotive Engineers;

(b) Circuits:

(A) Wiring shall be arranged in circuits, as required, with each circuit protected by a fuse or circuit breaker. A system of color or number coding shall be used for all buses purchased after September 1, 1993 and an appropriate identifying diagram shall be provided the end user along with the wiring diagram provided by the chassis manufacturer. The following interconnecting circuits shall be color coded as noted:

Function	Color
left rear directional light	yellow
right rear directional light	dark green
stop lights	red
back-up lights	blue
taillights	brown
ground	white
ignition feed, primary feed	black

The color of cables shall correspond to **SAE J1128**.

(B) Wiring shall be arranged in at least seven regular circuits, as follows:

(i) Head, tail, stop (brake) and instrument panel lamps;

(ii) Clearance and stepwell lamps (stepwell lamp shall be activated when service door is opened);

(iii) Dome lamp;

(iv) Ignition and emergency door signal;

(v) Turn signal lamps;

(vi) School Bus Safety Lights;

(vii) Heaters and defrosters.

(C) Any of above combination circuits may be subdivided into additional independent circuits;

(D) Whenever possible, all other electrical functions (such as sanders and electric-type windshield wipers) shall be provided with independent and properly protected circuits.

(c) The entire electrical system of the body shall be designed for the same voltage as the chassis on which the body is mounted;

(d) All wiring shall have an amperage capacity equal to or exceeding the designed load. All wiring splices are to be done at an accessible location and noted as splices on wiring schematic;

(e) Each body circuit shall be coded by number or letter on a diagram of easily readable size and be furnished with each bus body or affixed in an area convenient to the electrical accessory control panel;

(f) Body power wire is to be attached to special terminal on the chassis;

(g) All wires passing through metal openings shall be protected by a grommet;

(h) Wires not enclosed within body shall be fastened securely at intervals of not more than 18 inches. All joints shall be soldered or joined by equally effective connectors and shall be moisture and corrosion resistant.

[**Publications**: The publication(s) referred to or incorporated by reference in this rule are available from the Department of Education.]

Stat. Auth.: ORS 327.013 & 820.100 - 820-120
Stats. Implemented: ORS 327.013, 820.100, 820.105, 820.110 & 820.120
Hist.: 1EB 17-1985, f. 10-29-85, ef. 11-1-85; EB 16-1987(Temp), f. 7-30-87, ef. 9-27-87; EB 30-1987, f. & ef. 12-9-87; EB 44-1988, f. 12-16-88, cert. ef. 1-1-89; EB 21-1993, f. & cert. ef. 6-2-93

[**ED. NOTE**: The text of Temporary Rules is not printed in the Oregon Administrative Rules Compilation. Copies may be obtained from the adopting agency or the Secretary of State.]

Activity Buses

581-53-520 [1EB 82, f. 6-5-62, ef. 7-11-62;
1EB 118, f. 11-28-67, ef. 12-25-67;
1EB 126(Temp),
f. 1-17-72, ef. 2-1-72;
1EB 128, f. 3-17-72, ef. 4-1-72;
Repealed by 1EB 26-1986,
f. 7-17-86, ef. 10-1-86]

Small Vehicle Conversion Standards

851-53-525 [1EB 82, f. 6-5-62, ef. 7-11-62;
1EB 118, f. 11-28-67, ef. 12-25-67;
1EB 126(Temp),
f. 1-17-72, ef. 2-1-72;
1EB 128, f. 3-17-72, ef. 4-1-72;
1EB 191, f. 3-21-75, ef. 9-1-76;
Repealed by 1EB 17-1985,
f. 10-29-85, ef. 11-1-85]

Minimum Standards for School Buses Designed to Transport Children with Disabilities

581-53-527 (1) Vehicles used for the transportation of children with disabilities shall meet all minimum standards for Oregon school buses, except for alterations and equipment necessary to accommodate special needs:

(a) No modification or alteration of a school bus shall be performed if such modification or alteration would cause the vehicle to be constructed or equipped in violation with any Federal Motor Vehicle Safety Standard effective at the time of original chassis manufacture;

(b) Design of special equipment not covered in the minimum standards is subject to approval by the Oregon Department of Education;

(c) With respect to vehicles constructed or modified for transportation of children with disabilities, this rule presents the standards for special equipment, and exceptions in minimum standards for school buses:

(A) For determining standard requirements, the passenger and gross vehicle weight rating classification for any vehicle to transport exceptional children will be determined as if the vehicle were equipped with a standard seating arrangement prior to modification;

(B) Any school bus that is used specifically for the transportation of children who use wheelchairs and/or other mechanical restraining devices prohibiting use of the regular service entrance, shall be equipped with a power lift. Type A buses may be equipped with ramps. See section (10) of this rule.

(2) Aisles: Aisles leading to emergency door(s) from wheelchair area shall be at least 30 inches wide to permit passage of a wheelchair. Special lift doors are not considered emergency doors unless in compliance with all right side emergency door requirements.

(3) Child Safety Seats/Systems:

(a) Child safety seats/systems used for transporting infants, toddlers, or others requiring added support shall conform to specific strength and performance standards or dynamic test standards identified in **Federal Motor Vehicle Safety Standard 213** for protection of a child up to 50 pounds;

(b) Child safety seats/systems shall bear a label specifying compliance with all applicable Federal Motor Vehicle Safety Standards at the time of their manufacture;

(c) Child safety seats/systems shall be secured to the school bus seat by either seat belts or special restraining devices as defined in section (13) of this rule.

(4) Fuel Tank: Fuel tanks may be relocated when necessary, but must maintain full compliance with **Federal Motor Vehicle Safety Standard 301.**

(5) Glazing: All windows may be tinted.

(6) Guard Panel: Guard panel shall be installed at both rear and front edges of lift door opening extending into bus. Enclosure walls of equal or greater strength installed front and rear of the lift are an acceptable alternative. If elevator-type lift (body floor section serving as a lift platform) is used, a covered chain shall be installed extending across platform opening. The chain shall be positively attached at the rear point of attachment and a hook and eye at the front of the lift mechanism.

(7) Identification: Buses designed and used for transporting children with disabilities may display universal handicapped symbols located near service entrance door and at the rear of the vehicle below the window line. Such emblems shall be white on blue, shall not exceed 12 inches square in size, and may be reflectorized.

(8) Lights:

(a) Dome Lights: There shall be the equivalent of at least one dome light for every two full body sections (approximately every 54 inches) behind the regular service entrance door;

(b) An interior light shall be placed over lift area and activated by a door switch. Circuit may be wired through stepwell light circuit.

(9) Oxygen (personal):

(a) Tank(s) of compressed oxygen being transported may not have a capacity greater than 22 cubic feet:

(A) Tank(s) shall be Department of Transportation approved and shall have certification label affixed;

(B) Tank(s) valve(s) and regulators shall be protected from breakage;

(C) Tank(s) shall be securely attached to the bus in a manner to avoid being a hazard for students and away from intense heat.

(b) Container(s) of liquid oxygen being transported may not have a capacity greater than 23 cubic feet:

(A) Container(s) shall be Department of Transportation approved and shall have certification label affixed;

(B) Container(s) shall be securely attached to the bus in a manner to avoid being a hazard for students and to prevent damage and exposure to intense heat.

(10) Power Lift:

(a) Lifting mechanism shall be located on the right side of the bus and be capable of lifting a minimum load of 800 pounds;

(b) When the platform is in the fully up position, it shall be locked in position mechanically by means other than a support, or lug in the door;

(c) Controls shall be provided that enable the operator to activate the lift mechanism from either inside or outside of the bus. There shall be a means of preventing the lift platform from falling while in operation due to a power failure. If equipped with a control switch flex cord, the cord shall be installed to minimize entanglement with lift mechanism;

(d) Power lifts shall be so equipped that they may be manually raised and lowered in the event of power failure of the power lift mechanism;

(e) Lift travel shall allow the lift platform to rest securely on the ground;

(f) All edges of the platform shall be designed to restrain wheelchair and operator's feet from being entangled during the raising and lowering process;

(g) Lift platform shall have a minimum usable area of 30 inches by 48 inches;

(h) Platform shall be fitted on both sides with full width barriers which extend above the floor line of the lift platform;

(i) A restraining device shall be affixed to the outer edge (curb end) of the platform that will prohibit the wheelchair from rolling off the platform when the lift is in any position other than fully extended to ground or desired platform level. Minimum height of device/barrier shall be four inches;

(j) A self-adjusting, skid resistant plate shall be installed on the outer edge of the platform to minimize the incline from the lift platform to the ground level. This plate, if so designed, may also suffice as the restraining device described in subsection (h) of this section. The lift platform must be skid resistant;

(k) A circuit breaker or fuse shall be installed between power source and lift motor if electrical power is used;

(l) The lift mechanism shall be equipped with adjustable limit switches or bypass valves to prevent excessive pressure from building in the hydraulic system when the platform reaches the full up position or full down position;

(m) Sharp corners or projections of the lift which are likely to cause injury to passengers in the event of a collision or rollover shall be padded with impact absorbing material;

(n) There shall be no exposed areas on lift mechanism or adjacent to lift that could cause injury to children while lift is in motion;

(o) Power unit for lift shall be located so as not to restrict or impair center aisle space or foot and leg room between seats;

(p) If body floor section serves as a portion of the lift platform, the adjacent under-floor areas on three sides shall be closed off with shields when platform is in the lowered position;

(q) Platform shall be confined within the perimeter of the school bus body when not extended, in no way attached to the exterior sides of the bus.

(r) Platform shall provide at least one handrail in compliance with requirements specified in Public Law 101-376.

(11) Ramps: In lieu of a power lift, a ramp device may be installed on Type A buses:

(a) Ramp shall be of sufficient strength and rigidity to support wheelchair, occupant and attendant. It shall be equipped with protective flange on each longitudinal side to keep wheelchair on ramp;

(b) Floor of ramp shall be covered with nonskid material;

(c) Ramp shall be of weight, and equipped with handle(s), to permit one person to put ramp in place and return it to storage place;

(d) Provisions shall be made to secure ramp to side of bus for use without danger of detachment, and ramp shall be connected to bus at floor level in such manner as to permit easy access of wheels on wheelchair to floor of bus;

(e) Ramp shall be at least 80 inches in length, and width of the ramp shall be adequate to accommodate wheelchairs up to 30 inches wide. Ramp shall be of one piece, or two 40-inch sections hinged to allow for storage;

(f) Dustproof and waterproof enclosed container shall be provided if ramp is stored under floor.

(12) Ramp Door:

(a) Special ramp door opening shall be located on right side of bus and be not less than 30 inches in width;

(b) Doors must meet the standards specified for "special service entrance doors" or be standard hinged cargo doors supplied and installed at the factory;

(c) Side cargo-type sliding doors are acceptable on production line vans providing that the doors slide outside and along the body wall and lock in the closed position at two points opposite each other.

(13) Special Restraining Devices:

(a) Webbed straps/belts not less than 1.8 inches wide and having a breaking strength when tested under procedures listed in **49 CFR 571.209 S5.1(b)** of not less than 6,000 pounds or 2.720 kilograms. Webbing shall comply with requirements listed in **49 CFR 571.209** for elongation, resistance to abrasion, light, and micro-organisms as well as colorfastness;

(b) Hardware, including buckles, retractor, bolts, and attachment devices shall comply with all applicable standards listed in **49 CFR 571.209 S4.3**;

(c) Belts/straps shall be secured to the vehicle either at points designated by the manufacturer for the attachment of seat belts in compliance with **49 CFR 571.210 S4.3.1** and **S5** or through nut-and-bolt fasteners attached through the floor, each capable of withstanding a pulled force of at least 5,000 pounds;

(d) Belts/straps shall be clearly identified with labels or other permanent markings as: **"Special Restraining Devices"**.

(14) Special Service Entrance:

(a) Bus bodies may have a special service entrance constructed in the body to accommodate a wheelchair lift for the loading and unloading of passengers;

(b) The opening, to accommodate the special service entrance, shall be at any convenient point on the right (curb side) of the bus and far enough to the rear to prevent the door(s), when open, from obstructing the right front regular service door;

(c) The opening may extend below the floor through the bottom of the body skirt. If such an opening is used, reinforcements shall be installed at the front and rear of the floor opening to support the floor and give the same strength as other floor openings;

(d) Entrance shall be of sufficient width and depth to accommodate various mechanical lifts and related accessories as well as the lifting platform. The minimum clear opening width shall be adequate to accommodate the minimum platform defined in section (10) of this rule;

(e) Door posts and headers from entrance shall be reinforced sufficiently to provide support and strength equivalent to the areas of the side of the bus not used for service doors;

(f) A drip moulding shall be installed above the opening to effectively divert water from entrance;

(g) A soft energy absorbing cushion not less than three inches wide and one inch thick shall be located inside the bus at the lowest point possible of the upper door sill. The cushion shall be at least as wide as the lift platform.

(15) Special Service Entrance Doors:

(a) A single door may be used if the width of the door opening does not exceed forty-two inches;

(b) Two doors shall be used if any single door opening would exceed 42 inches;

(c) All doors shall open outwardly;

(d) All doors shall have positive nonhitchable fastening devices to hold doors in the open position;

(e) All doors shall be weather sealed and on buses with double doors, they shall be so constructed that a flange on the forward door overlaps the edge of the rear door when closed;

(f) When manually operated dual doors are provided the rear door leaf shall have at least a one-point fastening device to the header. The forward mounted door shall have at least three-point fastening devices. One shall be to the header, one to the floor line of the body, and the other shall be into the rear door. These locking devices shall afford maximum safety when the doors are in the closed position. the door and hinge mechanism shall be of a strength that will provide for the same type of use as that of a standard entrance door;

(g) If optional power doors are installed the design shall permit manual release of the doors for opening and closing by the attendant from the platform inside the bus;

(h) Door materials, panels, and structural strength shall be equivalent to the conventional service and emergency doors. Color, rub rail extensions, lettering and other exterior features shall match adjacent sections of the body;

(i) Each door shall have windows set in rubber, compatible within one-inch of the lower line of adjacent sash;

(j) Door(s) shall be equipped with a device that will activate a green flashing signal located in the driver's compartment when door(s) is not securely closed and ignition is in "on" position;

(k) A switch shall be installed so that the lifting mechanism will not operate when the lift platform door(s) is closed;

(l) Buses equipped with special service entrance doors not currently in use for service to students with disabilities or power lift equipped, must assure: Doors must be in compliance with all requirements for right side emergency door, or all of the following:

(A) Be sealed and inoperable;

(B) Have no handles; and

(C) Have the words **NOT AN EXIT** placed in letters at least two inches high above the door on both the interior and exterior of the bus.

(16) Seating Arrangements:

(a) Flexibility in seat placement and spacing to accommodate special needs or devices may be permitted due to change of passenger requirements;

(b) Rear-facing seats may be installed if necessary for exit access or student monitoring. If rear-facing seats are installed they shall comply with all applicable elements of **Federal Motor Vehicle Safety Standard 222** and be equipped with a lap belt meeting requirements listed in **FMVSS 208, 209,** and **210**.

(17) Steps: Vehicles equipped with power lifts shall provide service door steps extending the full width of the stepwell.

(18) Student Securement Systems:

(a) All child securement systems provided in the bus shall be used in compliance with all applicable standards and rules, including those addressing mobile seating devices;

(b) Any exemption from student securement system requirements shall be acceptable only when provided by a doctor on a form consistent with ORS 811.220.

(19) Wheeled Mobility Device — Fastening Devices:

(a) Adjustable and accessible positive fastening devices shall be provided, attached to floor or walls or both, that will securely hold wheelchairs or other type of ambulatory mobility devices in the event the vehicle is overturned and to prevent the wheels from leaving the floor in case of a sudden movement. All floor-mounted attachment devices shall be affixed with nut and bolt fasteners, except in areas where it is not practicable. Buses purchased after September 1, 1993, equipped to transport mobile seating devices or buses retrofitted for that purpose after that date, shall provide mobility-device securement straps and hardware in compliance with **FMVSS 222** adopted by National Highway Traffic Safety Administration for January 17, 1994 implementation;

(b) Wheelchairs or other devices designed solely for use by handicapped or convalescent passengers may be positioned in a direction other than forward-facing only at the specific direction of the student's IEP when forward-facing positions are available;

(c) Buses equipped to transport mobile seating devices purchased after September 1, 1993, or buses retrofitted after that date to transport mobile seating devices shall have a **Federal Motor Vehicle Safety Standard** complying barrier placed forward (front of bus) of each mobile seating device placed in a position other than forward facing. Barriers shall be located as close as practicable to the forward side of the mobile seating device.

(d) No fastening device shall be attached to any door;

(e) Additional fastening devices may be installed to restrain the student due to the many different configurations of chairs and exceptionalities;

(f) Three-wheeled mobile seating devices shall not be occupied during transport.

[**Publications:** The publication(s) referred to or incorporated by reference in this rule are available from the Department of Education.]

Stat. Auth.: ORS 327.013, Ch. 485, 820.100 - 820.120
Stats. Implemented: ORS 327.013, 820.100, 820.105, 820.110 & 820.120
Hist.: 1EB 17-1985, f. 10-29-85, ef. 11-1-85; EB 44-1988, f. 12-16-88, cert. ef. 1-1-89; EB 21-1993, f. & cert. ef. 6-2-93

Formula for Calculating Power and Gradeability

581-53-530 [1EB 82, f. 6-5-62, ef. 7-11-62;
1EB 118, f. 11-28-67, ef. 12-25-67;
1EB 126(Temp),
f. 1-17-72, ef. 2-1-72;
1EB 128, f. 3-17-72, ef. 4-1-72;
Repealed by 1EB 17-1985,
f. 10-29-85, ef. 11-1-85]

Required School Bus Use

581-53-535 (1) Vehicles manufactured after April 1, 1977, with a capacity of more than ten persons, that are used to transport students to and from school shall be a school bus as defined in ORS 801.460.

(2) Vehicles manufactured prior to April 1, 1977, with a capacity of ten or more persons, that are used to transport students to and from school shall not be entered into a fleet for the first time after June 1, 1986.

Stat. Auth.: ORS Ch. 820
Stats. Implemented: ORS 327.013, 820.100, 820.105, 820.110 & 820.120
Hist.: 1EB 26-1986, f. 7-17-86, ef. 10-1-86

Vehicles Exempted from Regulation as a School Bus or School Activity Vehicle

581-53-540 In addition to exemptions provided for in ORS 801.455 and 801.460, vehicles exempted from regulation as a school bus or school activity vehicle, under the provisions of ORS 820.150, are all vehicles not marked with the words **"School Bus"** that are owned or leased by, contracted to, or operated by or for a school and do not have a primary design or intended use of transporting students.

Stat. Auth.: ORS Ch. 820
Stats. Implemented: ORS 327.013, 820.100, 820.105, 820.110 & 820.120
Hist.: 1EB 26-1986, f. 7-17-86, ef. 10-1-86

Type 10 Pupil Transporting Vehicle Standards and Rules for Operation

581-53-545 (1) Definitions of terms used in this rule:

(a) "Type 10 vehicle": Type 10 vehicles shall have a capacity of not more than ten persons, shall have a gross vehicle weight rating of not more than 10,000 pounds and are used to transport students to and from school or authorized school activities. These vehicles shall not be marked with the words **"School Bus"** and shall be determined by class in accordance with provisions of ORS 820.150 and are not exempted by ORS 801.455 or 801.460;

(b) "Pupil transporting vehicle": A pupil transporting vehicle is defined by OAR 581-53-002 (1)(c);

(c) "Authorized official": An authorized official means a person designated by the local employer.

(2) Construction and equipment:

(a) Vehicle construction shall be according to manufacturers' standard for all vehicles having a capacity of ten or fewer persons including the driver. Capacity shall be based on each vehicle's manufacturer-designated seating capacity;

(b) Equipment shall be the manufacturers' standard plus:

(A) 24-unit first aid kit, in accordance with requirements set forth in OAR 581-53-517(13)(e). Existing Type 10 vehicles in a fleet prior to June 1, 1986, may be equipped with the previously approved 16-unit first aid kit;

(B) U.L. approved five pound — 2A.10BC fire extinguisher (plastic head not permissible), in accordance with OAR 581-53-517(13)(d). Existing Type 10 vehicles in a fleet prior to June 1, 1986, may be equipped with the previously approved five pound — 10 BC fire extinguisher;

(C) D.O.T. approved triangular disabled vehicle road reflectors, in accordance with OAR 581-53-517 (13)(b);

(D) A seat belt approved by the Oregon Division of Motor Vehicles, provided for each seating position;

(E) Any alterations or equipment necessary to accommodate special needs of handicapped children, in accordance with the applicable standards in OAR 581-53-527.

(3) Annual vehicle inspection: An annual inspection shall be completed for each vehicle (all applicable items on Form 581-2255), and certification of inspection and repair (Form 581-2256) shall be returned to ODE in accordance with OAR 581-53-008(1) and (2).

(4) Operating rules: Operating rules for Type 10 pupil transporting vehicles when used to transport students for authorized school activities and/or to and from school on an unscheduled, irregular basis:

(a) District requirements — Districts shall adopt and implement policies and procedures to assure adequate training for all Type 10 vehicle drivers, including:

(A) Emergency procedures and evacuation training;

(B) Vehicle pretrip inspection training; and

(C) Others as considered necessary.

(b) District shall immediately notify the Department of Education if they have reasons to believe any change in the driver(s)' criminal or driving records has occurred which could effect the person(s) ability to meet the licensing provisions listed in OAR 581-53-006(8);

(c) Driver requirements — Each driver shall:

(A) Be at least 18 years of age as required by ORS 820.190;

(B) Possess a valid driver license or Oregon commercial driver license. The Oregon Department of Education may approve an out-of-state operator's license if consistent in provision with the required Oregon license;

(C) Possess or obtain within 120 days of original vehicle use request, a valid first aid card; i.e., a Red Cross Multimedia Card or equivalent. A valid ORS 30.800 listed first aid card must then be maintained at all times;

(D) Pass a driving and criminal records check by meeting requirements specified in OAR 581-53-006(8). Criminal record checks are not required for certificated staff;

(E) Receive emergency procedure and evacuation training, vehicle pretrip inspection training and all other training as determined necessary locally. Pretrip inspections may include:

(i) Windshield and wipers;
(ii) All outside lights;
(iii) Service door, emergency door and buzzer;
(iv) Tires and wheel lug nuts;
(v) Battery, belts, oil and coolant level;
(vi) Horns;
(vii) Brakes;
(viii) Steering;
(ix) Exhaust system;
(x) Emergency equipment; and
(xi) See that lights, windshield and mirrors are clean.

(F) Receive specialized training designed for special education transportation prior to transporting students with disabilities;

(G) Be judged by an authorized official as having the ability to operate the Type 10 vehicle safely and to perform related duties. Examples of related duties include, but are not limited to, handling stressful situations such as mechanical breakdowns, traffic accidents, and unruly students;

(H) Be placed on an approved driver list maintained at the Oregon department of Education. An authorized official shall provide a signed certification that the driver has completed or shall complete all requirements prior to transporting passengers, except for the first aid training provision which must be completed within 120 days as required by paragraph (5)(b)(C) of this rule. Approval expires on July 1 annually upon failure to comply with any rule requirements or termination of employment from district submitting approval list;

(I) Complete accident reports as required for school bus drivers by OAR 581-53-015(7)(y);

(J) Report to his/her employer(s) within 15 days, any conviction for driving or criminal offenses specified in OAR 581-53-006(8) or any involvement in an accident as defined in OAR 581-53-006(8) (c)(G)(i);

(K) Not operate a vehicle with more passengers than the manufacturer's rated capacity;

(L) Instruct passengers to use seat belts at all times the vehicle is in motion. (Use of belts by passengers under 16 years of age is required by ORS 811.210. Drivers are required to use belts by Workers' Compensation regulations.);

(M) Maintain order in the vehicle at all times. The inside of the vehicle shall be kept clean;

(N) See that all doors on the vehicle are kept closed while the vehicle is in motion;

(O) Not permit anyone else to operate the vehicle except with the permission of authorized officials;

(P) Make certain that all aisles and passageways are kept clear;

(Q) Make sure all rear doors (emergency exits) are unlocked during vehicle operation;

(R) Not use tobacco on the vehicle and shall not permit passengers to use tobacco on the vehicle;

(S) Not be under the influence of any alcoholic beverage or any drug likely to affect the person's ability to operate a vehicle safely while on duty;

(T) Not consume any alcoholic beverage regardless of its alcoholic content or any drug likely to affect a person's ability to operate a vehicle safely while on duty or within eight hours before going on duty to operate or to have physical control of a pupil transporting vehicle;

(U) Not permit signs of any kind to be attached to the vehicle except those specifically permitted by law or regulation;

(V) Not permit animals in the vehicle; however, guide dogs are allowed when accompanying a blind or deaf person as are other assistance animals and guide/assistance animals in training that comply with OAR 581-53-015(7)(j);

(W) Not permit firearms, other weapons, or potentially hazardous materials in the vehicle;

(X) Secure any article in the passenger compartment likely to cause injury to a passenger in the event of an accident;

(Y) Not fill the fuel tank while passengers are in the vehicle or while the motor is running;

(Z) Not leave the vehicle when passengers are aboard until the motor is shut off, the brakes set, a manual transmission put in gear and the key removed from the ignition;

(AA) Report as soon as possible to the proper official any deficiency or malfunction of any equipment or component of the vehicle;

(BB) Not alter routes unless approved by school authorities.

(CC) Shall use all securement straps and attachments for students with adaptive/assistive devices in a manner consistent with their design.

(d) Driving hour limitations:

(A) Except as provided by paragraph (5)(c)(B) of this rule, a driver shall not drive any pupil transporting vehicle more than a total of ten hours during any consecutive 15 hour period. At the end of ten hours of driving or a 15 hour period, whichever occurs first, the driver shall not again drive any pupil transporting vehicle until at least eight hours have elapsed;

(B) The driver of any pupil transporting vehicle, after driving a regular morning route transporting pupils from home to school, may again operate any pupil transporting vehicle, but not more than eight hours in a consecutive ten hour period or until 12 midnight, whichever occurs first, provided the driver has at least four hours free from actual operation of a pupil transporting vehicle following the end of the morning route. To qualify under this provision, the driver shall have been free from pupil transporting vehicle driving duties for at least eight consecutive hours prior to the regular morning route;

(C) A driver shall not drive more than three hours continuously without taking at least a 15 minute break from driving duties;

(D) Emergency extension of driving hours: In the event of an unforeseen emergency, e.g., mechanical breakdown, accident or adverse road conditions, a driver may complete the trip without being in violation of the provisions of this rule if such trip could have reasonably been completed as originally scheduled without violation of this rule.

(5) Operating rules for Type 10 pupil transporting vehicles when used for regularly scheduled student transportation to and from school:

(a) District requirements are the same as those listed in subsection (5)(a) of this rule when used to transport students for authorized activities and/or to and from school on an unscheduled, irregular basis;

(b) Driver requirements are the same as those listed in subsection (5)(b) of this rule, when used to transport students for authorized activities and/or to and from school on an unscheduled, irregular basis, plus the driver shall:

(A) Demonstrate necessary vehicle operational skills (in a vehicle to be used) to the authorized official through a behind-the-wheel test; and

(B) Demonstrate to an authorized official a knowledge of laws and regulations applicable to the vehicle being used.

(c) Driver rules are the same as those listed in subsection (5)(b) of this rule, when used to transport students for authorized activities and/or to and from school on an unscheduled, irregular basis plus the following;

(d) Drivers shall inspect the following prior to each trip, unless the inspection is performed by other designated employees:

(A) Windshield and wipers;

(B) All outside lights;

(C) Service door, emergency door and buzzer;

(D) Tires and wheel lug nuts;

(E) Battery, belts, oil, and coolant level;

(F) Horns;

(G) Brakes;

(H) Steering;

(I) Exhaust system;

(J) Emergency equipment; and

(K) See that lights, windshield and mirrors are clean.

(e) Driving hour limitations are the same as those listed in subsection (5)(c) of this rule, when used to transport students for authorized activities and/or to and from school on an unscheduled, irregular basis.

(6) Occasional/emergency use provision — A person who does not currently meet the driver requirements for a Type 10 pupil transporting vehicle may be used on an occasional/emergency basis if such driver:

(a) Is judged competent by the local authorized official;

(b) Possesses a valid driver license or Oregon commercial driver license;

(c) Does not operate vehicles under this provision more than three times in any given fiscal year (July 1 to June 30); and

(d) Is not transporting students to and from school on regularly scheduled routes.

Stat. Auth.: ORS 327.013 & 820.100 - 820.120
Stats. Implemented: ORS 327.013, 820.100, 820.105, 820.110 & 820.120
Hist.: 1EB 26-1986, f. 7-17-86, ef. 10-1-86; EB 45-1988, f. 12-16-88, cert. ef. 1-1-89; EB 21-1993, f. & cert. ef. 6-2-93

Type 20 Pupil Transporting Vehicle Standards

581-53-550 (1) Definitions of terms used in this rule:

(a) "Type 20 vehicle": Type 20 vehicles shall have a capacity of not more than 20 passengers, shall have a gross vehicle weight rating of not more than 10,000 pounds, and are used to transport students to and from authorized school activities. These vehicles shall not be marked with the words "school bus" and shall be determined by class in accordance with provisions of ORS 820.150 and are not exempted by ORS 801.455;

(b) "Pupil transporting vehicle": A pupil transporting vehicle is defined by OAR 581-53-002(1)(b);

(c) "Authorized official": An authorized official means a person designated by the local employer.

(2) Vehicles shall meet all minimum construction and equipment standards of a Type A school bus except for the following:

(a) Identification required by OAR 581-53-517(16)(a) and (b). The words "School Bus" may not appear on a vehicle which does not comply with all school bus requirements provided for in ORS 820.100 and 820.110. Activity vehicles may have fleet identification;

(b) Color required by OAR 581-53-517(5). The vehicle may be painted school bus yellow if desired;

(c) Lights required by OAR 581-53-517(21)(k). Only vehicles described in ORS 816.350(8) may be equipped with and display bus safety lights;

(d) Public address systems required by OAR 581-53-517(30)(c).

(3) An annual inspection shall be completed for each vehicle (all applicable items on Form 581-2255), and certification of inspection and repair (Form 581-2256) shall be returned to the Oregon Department of Education in accordance with OAR 581-53-008(1) and (2).

(4) District shall immediately notify the Department of Education if they have reason to believe any change in the driver(s)' criminal or driving record has occurred which could effect the person(s)' ability to meet the licensing provisions listed in OAR 581-53-006(8).

(5) Driver requirements — Each driver shall:

(a) Be at least 18 years of age as required by ORS 820.190;

(b) Possess a valid driver license, or an Oregon commercial driver license with passenger endorsement, if vehicle capacity is 16 persons or greater, including the driver. The Oregon Department of Education may approve an out-of-state operator's license if it is consistent in provision with the required Oregon license;

(c) Complete emergency procedure and evacuation training;

(d) Complete training for proper vehicle pretrip inspection;

(e) Pass a driving and criminal records check by meeting current requirements of issuance for a school bus driver's license, as specified in OAR 581-53-006(8). Criminal record checks are not required for certificated instructional staff;

(f) Possess or obtain within 120 days of original use request a valid first aid card; i.e., a Red Cross Multimedia Card or equivalent. A valid, ORS 30.800 listed first aid card must then be maintained at all times;

(g) Demonstrate necessary vehicle operational skills (in the vehicle to be used) to an authorized official through a behind-the-wheel test;

(h) Demonstrate to an authorized official, a knowledge of laws and regulations applicable to the vehicle being used;

(i) Complete accident reports as required of school bus drivers by OAR 581-53-015(7)(y);

(j) Report to he/her employer(s) within 15 days, any conviction for driving or criminal offenses specified in OAR 581-53-006(8) or any involvement in an accident as defined in OAR 581-53-006(8)(c)(G)(i);

(k) Drivers who are transporting special education students should receive specialized training designed for this purpose;

(l) Be placed on an approved driver list maintained at the Oregon Department of Education. An authorized official shall provide signed certification that the driver has completed or shall complete all requirements prior to transporting passengers except for the first aid training provision which must be completed within 120 days as required by subsection (4)(f) of this rule. Approval upon failure to comply with any rule requirements or termination of employment from district submitting approval list;

(m) Not operate a vehicle with more passengers than the manufacturer's designed or equipped capacity;

(n) Instruct passengers to use seat belts at all times the vehicle is in motion;

(o) Maintain order in the vehicle at all times. The inside of the vehicle shall be kept clean;

(p) See that all doors on the vehicle are kept closed while the vehicle is in motion;

(q) Not permit anyone else to operate the vehicle except with the permission of authorized officials;

(r) Make certain that all aisles and passageways are kept clear;

(s) Make sure all rear doors (emergency exits) are unlocked during vehicle operation;

(t) Not use tobacco on the van and shall not permit passengers to use tobacco on the vehicle;

(u) Not be under the influence of any alcoholic beverage or any drug likely to affect the person's ability to operate a vehicle safely while on duty;

(v) Not consume any alcoholic beverage regardless of its alcoholic content or any drug likely to affect a person's ability to operate a vehicle safely while on duty or within eight hours before going on duty to operate or to have physical control of a pupil transporting vehicle;

(w) Not permit signs of any kind to be attached to the vehicle except those specifically permitted by law or regulation;

(x) Not permit animals in the vehicle; however, guide dogs are allowed and assistance animals as well as guide/assistance animals in training that comply with OAR 581-53-015(7)(j);

(y) Not permit firearms, other weapons, or potentially hazardous materials to be carried in the vehicle;

(z) Secure any article in the passenger compartment likely to cause injury to a passenger in the event of an accident;

(aa) Not fill the fuel tank while passengers are in the vehicle or while the motor is running;

(bb) Not leave the vehicle when passengers are aboard until the motor is shut off, the brakes set, a manual transmission put in gear and the key removed from the ignition;

(cc) Report as soon as possible to the proper official any deficiency or malfunction or any equipment or component of the vehicle;

(dd) Not alter routes unless approved by school authorities;

(ee) Shall inspect the following prior to each trip, unless the inspection is performed by other designated employees:

(A) Windshield and wipers;
(B) All outside lights;
(C) Service door, emergency door and buzzer;
(D) Tires and wheel lug nuts;
(E) Battery, belts, oil and coolant level;
(F) Horns;
(G) Brakes;
(H) Steering;
(I) Exhaust system;
(J) Emergency equipment; and
(K) See that lights, windshield and mirrors are clean.

(ff) Shall use all securement straps and attachments for students with adaptive/assistive devices in a manner consistent with their design.

(6) Driving hour limitations:

(a) Except as provided by subsection (5)(b) of this rule a driver shall not drive any pupil transporting vehicle more than a total of ten hours during any consecutive 15 hour period. At the end of ten hours of driving or a fifteen hour period, whichever occurs first, the driver shall not again drive any pupil transporting vehicle until at least eight hours have elapsed;

(b) The driver of any pupil transporting vehicle, after driving a regular morning route transporting pupils from home to school, may again operate any pupil transporting vehicle, but not more than eight hours in a consecutive ten hour period or until 12 midnight, whichever occurs first, provided the driver has at least four hours free from actual operation of a pupil transporting vehicle following the end of the morning route. To qualify under this provision, the driver shall have been free from pupil transporting vehicle driving duties for at least eight consecutive hours prior to the regular morning route;

(c) A driver shall not drive more than three hours continuously without taking at least a 15 minute break from driving duties;

(d) Emergency extension of driving hours: In the event of an unforeseen emergency, e.g., mechanical breakdown, accident or adverse road conditions, a driver may complete the trip without being in violation of the provisions of this rule if such trip could have reasonably been completed as originally scheduled without violation of this rule.

Stat. Auth.: ORS 327.013 & 820.100 - 820.120
Stats. Implemented: ORS 327.013, 820.100, 820.105, 820.110 & 820.120
Hist.: 1EB 26-1986, f. 7-17-86, ef. 10-1-86; EB 45-1988, f. 12-16-88, cert. ef. 1-1-89; EB 21-1993, f. & cert. ef. 6-2-93

Type 21 Activity Vehicle Standards

581-53-555 (1) Type 21 plus activity vehicles shall have a manufacturers' date prior to April 1, 1977, or if the vehicle was manufactured after that date, the vehicle must be constructed and equipped in accordance with **Federal Motor Vehicle Safety Standards Numbers 217, 220, 221, 222,** and **301** effective at the time of manufacture.

(2) Driver requirements — Each driver shall:

(a) Possess a valid Oregon school bus driver's certificate unless the driver is under regulation of the Oregon Public Utility Commission of Oregon, the United States Department of Transportation or the Interstate Commerce Commission;

(b) Comply with rules relating to school bus drivers described in OAR 581-53-006, Certification and Training, 581-53-008(7), (8) and (9), Vehicle Inspection, and 581-53-015, Rules Pertaining to School Bus Drivers.

(3) Vehicle inspection — An annual inspection shall be completed for each vehicle (all applicable items on Form 581-2255) and certification of inspection and repair (Form 581-2256) shall be returned to the Oregon Department of Education in accordance with OAR 581-53-008(1) and (2).

(4) Vehicle requirements — Type 21 Plus activity buses shall be of standard manufacturers' design and shall meet or exceed all of the following minimum construction and equipment requirements:

(a) Brakes:

(A) Four-wheel brakes, adequate at all times to control the vehicle under all load conditions, shall be provided;

(B) Brakes shall comply with requirements of ORS 815.125 in the Oregon Motor Vehicle Law;

(C) Brakes shall comply with all applicable federal motor vehicle safety standards;

(D) Vehicles having full compressed air systems shall be equipped with:

(i) An air gauge mounted on the instrument panel to register the air pressure in the air brake system;

(ii) A visible or audible low air pressure indicator to warn the driver if air pressure in the brake system falls below 60 PSI;

(iii) A reservoir capacity equal to or greater than 12 times the total volume of all brake actuators at full travel;

(iv) An automatic moisture ejector — adequate air dryer — or control mounted at skirt to allow manual drain for tanks;

(v) Manual drains on all air tanks; and

(vi) A spring-type emergency/parking brake system.

(E) Vehicles having vacuum-assisted brake systems shall be equipped with:

(i) A vacuum reservoir capacity of not less than 1,000 cubic inches;

(ii) A vacuum gauge mounted on instrument panel to indicate available vacuum for brake assist; and

(iii) A visible or audible low vacuum indicator to warn driver if vacuum reservoir drops below eight inches of mercury.

(F) Vehicles equipped with either hydraulic or power-assisted hydraulic brakes shall be equipped with a visible or audible indicator to indicate partial or total system failure.

(b) Bumpers:

(A) Vehicles shall be equipped with bumpers front and rear;

(B) Bumpers shall be of sufficient strength to permit the fully loaded vehicle to be pushed without permanent distortion to bumper, chassis or body, except breakaway bumper ends.

(c) Body construction:

(A) Construction shall be all steel or other metal with strength at least equivalent to all steel as certified by body manufacturer;

(B) Construction shall provide a reasonably dust-proof, watertight unit;

(C) Floor shall be of metal at least equal in strength to 14-gauge steel or 5-ply plywood at least 5/8 of an inch nominal thickness;

(D) Floor covering must be permanently bonded to floor and must not crack when subjected to sudden changes in temperature. Bonding or adhesive material shall be waterproof, and all seams must be sealed with waterproof sealer;

(E) Aisle flooring shall have nonskid surface.

(d) Defroster:

(A) Defrosters are required, and shall be of sufficient capacity to keep windshield clear of fog and reasonably clear of ice and snow;

(B) Defroster unit shall consist of at least one (1) hot water core and blower motor. Auxiliary fans may be used to aid flow of heated air.

(e) Doors:

(A) Service door shall be located on the right side near the front of the bus;

(B) Service door shall be under the control of the driver;

(C) There shall be at least two approved emergency exits in the rear portion of the passenger area. Emergency exits shall be labeled **"Emergency Exit"** and include operating instructions.

(f) Exhaust system:

(A) Exhaust pipe, muffler and tail pipe shall be outside bus body and attached to chassis;

(B) Exhaust system shall be properly insulated from the fuel tank and connections by securely attached metal shield at any point where it is 12 inches or less from tank or tank connections for gasoline or alternative fueled vehicles;

(C) Muffler and tail pipe shall be constructed of corrosion-resistant material;

(D) Tail pipe shall meet one of the options provided in the school bus chassis standards, OAR 581-53-512(14).

(g) Heaters:

(A) At least one heater of the hot water core and blower type is required;

(B) Heater(s) shall be capable of maintaining an inside temperature of at least 50 degrees Fahrenheit at average minimum January temperatures as established by the U.S. Weather Bureau for the geographic area;

(C) Combustion-type heaters may be installed and shall comply with requirements listed in OAR 581-53-517.

(h) Horn: There shall be a horn(s) of standard make that meets requirements of the Oregon Motor Vehicle Laws;

(i) Instruments/instrument panel:

(A) Vehicles shall be equipped with the following instruments and gauges:

(i) Speedometer and odometer;

(ii) Voltmeter or ammeter — Light may be used in lieu of gauge;

(iii) Oil pressure gauge — Light may be used in lieu of gauge;

(iv) Water temperature gauge — Light may be used in lieu of gauge;

(v) Fuel gauge;

(vi) Headlight high beam indicator; and

(vii) Turn signal indicator.

(B) The above gauges and instruments shall be mounted on an instrument panel in such manner that each is clearly visible to the driver while in a normal driving position;

(C) The instrument panel shall have lamps of sufficient candlepower to illuminate all instruments and gauges.

(j) Lights and other motor vehicle requirements:

(A) The vehicle at all times must have in good working order all equipment required by Oregon Motor Vehicle Laws, to include but not be limited to, head and tail lights, windshield wipers and turn signal lights;

(B) School bus safety lights are prohibited.

(k) Mirrors:

(A) An interior mirror of at least 60 square inches is required to provide a view of pupils and roadway to the rear;

(B) Two exterior rearview mirrors, each with an area of not less than 50 square inches shall be installed on the right and left side of the vehicle.

(l) Seats:

(A) All seats shall be forward-facing and permanently mounted;

(B) Portable or jump seats are not allowed;

(C) All seats shall be adequately padded and upholstered and securely fastened to the part(s) of the vehicle which is supporting them.

(m) Springs: Capacity of springs or suspension assemblies shall be commensurate with chassis manufacturer's gross vehicle rating;

(n) Storage/book racks:

(A) Racks, if installed, shall be above side windows;

(B) Racks shall be padded on the bottom at each end as well as any part of the rack that may extend over the emergency door. Racks shall be free of projections likely to cause injury;

(C) Forward ends and rear of racks shall have a restriction-enclosing-space between rack and ceiling to prevent article ejection.

(o) Steering gear:

(A) Steering gear shall be approved by chassis manufacturer and designed to assure safe and accurate performance when vehicle is operated with maximum load at maximum speed;

(B) Steering mechanism that allows for external adjustment to correct for lost motion shall provide accessible adjustment location;

(C) Steering system shall be designed to provide for means of lubrication for all wear points if wear points are not permanently lubricated;

(D) No changes shall be made in steering apparatus which are not approved by chassis manufacturer.

(p) Steps:

(A) Shall be enclosed to prevent accumulation of ice and snow;

(B) Shall not protrude beyond side body line;

(C) Step surface shall be of nonskid material;

(D) For Type A buses, not manufactured originally as school buses, steps may be to chassis manufacturer's standards.

(q) Tires:

(A) Tires and rims of proper size and tires with load-rating commensurate with chassis manufacturer's gross vehicle weight rating shall be provided;

(B) Recapped tires are prohibited on the front axle of vehicle;

(C) Regrooved tires are prohibited on the vehicles;

(D) Minimum tread depth on tires shall be:

(i) Front axle — 4/32 inch;

(ii) Rear axle — 2/32 inch.

(E) Tread depth shall be measured as follows: the minimum depth in any two adjacent major grooves measured at three locations spaced approximately equally around the outside of the tire but not on wear indicators.

(r) Tool storage compartment: A container of adequate strength and capacity for the storage of tire chains and other tools or supplies as may be necessary, may be provided. If located inside passenger compartment, it shall have a cover and positive-type latch to prevent opening in event of severe impact or bus rollover and shall be attached to the floor with a nut-and-bolt fastener;

(s) Ventilation: Vehicle shall be equipped with suitable, controlled ventilating system of sufficient capacity to maintain proper quality of air under operating conditions without opening of windows except in extremely warm weather;

(t) Windshield and windows:

(A) Windshield shall be of safety plate glass;

(B) Windows and glass area in doors shall be safety glass.

Stat. Auth.: ORS 327.013 & 820.100 - 820.120

Stats. Implemented: ORS 327.013, 820.100, 820.105, 820.110 & 820.120

Hist.: 1EB 26-1986, f. 7-17-86, ef. 10-1-86; EB 21-1993, f. & cert. ef. 6-2-93

DIVISION 54

DRIVER EDUCATION

Definitions

581-54-005 As used in these standards, unless the context otherwise requires:

(1) "Department" means the Oregon State Department of Education.

(2) "Driver Education" means a full course consisting of classroom instruction and practice driving.

(3) "Classroom Instruction" means that portion of driver education instruction which is given in a classroom situation.

(4) "Practice Driving" means that portion of driver education instruction which is given in a dual control automobile; behind-the-wheel instruction.

(5) "Dual Control" means an additional brake pedal, installed as specified by the manufacturer, for use by the driver education instructor when a student learner is at the regular controls. An auxiliary steering wheel is neither required nor recommended.

(6) "Driving Simulator" means an electromechanical device designed to represent the driver's compartment of the automobile and with the utilization of films attempts to develop judgment, behavior response, and manipulative skills essential in learning the driving task.

Stat. Auth.: ORS Ch. 326 & 343
Stats. Implemented: ORS 336.790 thru 336.815
Hist: 1EB 118, f. 11-28-67, ef. 12-25-67; 1EB 131, f. 5-12-72, ef. 6-1-72; 1EB 231, f. 6-11-76, ef. 6-16-76; 1EB 6-1982, f. & ef. 2-18-82; 1EB 3-1984, f. & ef. 2-17-84

Minimum Standards, General Requirements

581-54-010 (1) The amount of reimbursement shall not be greater than 90 percent of the net cost of conducting the course, nor may it exceed $100 per pupil completing the course.

(2) Accurate records of the cost of conducting a driver education course shall be kept, and reports shall be submitted to the Department of Education by each school district seeking reimbursement. Forms for these purposes are provided by the Department. All automobile driver education teachers' names and driver license numbers shall be reported as required on the supplement to the annual reimbursement claim.

(3) Distribution of funds available in the Student Driver Training Fund shall be made annually by the State Superintendent of Public Instruction at the end of each fiscal year.

(4) The Department will reimburse costs of automobile driver education courses which comply with OAR 581-54-005 to 581-54-030 and 584-38-070.

Stat. Auth.: ORS Ch. 326 & 343
Stats. Implemented: ORS 336.790 thru 336.815
Hist: 1EB 118, f. 11-28-67, ef. 12-25-67; 1EB 131, f. 5-12-72, ef. 6-1-72; 1EB 231, f. 6-11-76, ef. 6-16-76; 1EB 6-1982, f. & ef. 2-18-82; 1EB 2-1983, f. 2-14-83, ef. 2-15-83; 1EB 3-1984, f. & ef. 2-17-84

Reimbursement Claims

581-54-011 [1EB 1-1982(Temp), f. & ef. 1-6-82;
1EB 2-1982(Temp),
f. & ef. 1-15-82]

Standard 1 — Instructional Time

581-54-015 General provisions, automobile driver education:

(1) High school driver education programs shall include both classroom instruction and practice driving experience. Classroom instruction may precede practice driving, or the two phases may be given concurrently. Practice driving may not precede classroom instruction.

(2) Classroom instruction: Minimum instructional time for the classroom phase shall be 30 hours. It is recommended that this instruction be given in a separate course designated as Driver Education; however, part or all of this instruction may be integrated with another subject area provided the instructor meets driver education teacher preparation requirements.

(3) Practice driving: An average of six clock hours of behind-the-wheel time per student shall be the minimum requirement in the practice driving phase, except as provided in Standard 4, OAR 581-54-030. This time may be inclusive of teacher demonstration time. Thus, a minimum of 18 clock hours of practice driving must be scheduled for each group of three students, or 24 clock hours per group of four students.

(4) School districts may substitute a competency-based system of determining satisfactory student achievement of course objectives equivalent to those established for the time-based program defined in sections (2) and (3) of this Standard. A statement that such alternative method has been employed shall be included as a part of each annual claim for driver education reimbursement submitted by districts making this substitution. Such statement shall also include the criteria used in determining equivalency of the alternative system to the time-based program.

(5) Observation time: All students shall receive observation time in conjunction with practice driving; the minimum shall be equivalent to the amount of behind-the-wheel time provided. When supported by evidence of planning for efficient use of student time during this phase, two hours may be claimed toward the 30-hour classroom instruction requirement on the basis of this planned observation experience. Such planning shall include provision for meaningful activities such as observations of other drivers' performance and of traffic movement and controls. Not less than half of the total observation time shall be so organized in order to satisfy the requirement for substitution of observation experience for classroom instruction time.

(6) Credit and records: An entry shall be made on the permanent record of each student who completes the course, including dates the course was taken and the final grade achieved. When the course is offered outside the regular school schedule, appropriate mention of that fact shall be included in published documents.

Stat. Auth.: ORS Ch. 326 & 343
Stats. Implemented: ORS 336.790 thru 336.815
Hist: 1EB 118, f. 11-28-67, ef. 12-25-67; 1EB 131, f. 5-12-72,

ef. 6-1-72; 1EB 231, f. 6-11-76, ef. 6-16-76; 1EB 6-1982, f. & ef. 2-18-82; 1EB 3-1984, f. & ef. 2-17-84

Standard 2 — Instructional Materials and Equipment

581-54-020 (1) Classroom, automobile driver education: A state-adopted driver education text shall be provided for each student enrolled for classroom instruction, and shall be available to students during the practice driving phase. The list of adopted texts may be found in the publication **"State Adopted Textbooks for Oregon Schools,"** as supplemented and amended.

(2) Practice Driving, automobile driver education:

(a) A dual-control automobile shall be required of all programs conducted for reimbursement.

(b) Dual controls shall be of design approved by this Department. Controls for standard transmission cars shall include a dual clutch control.

(c) Dual control training cars shall be designated by an approved sign or signs providing clear identification of the vehicle as a driver education car. Signs may be either factory-made and lettered or they may be constructed locally. If the latter procedure is followed, minimum size and lettering specifications available from the Department must be observed. The dealer's name may appear once, in letters not more than 1-1/2 inches high, as part of each sign. Provisions shall be made for removing or covering these signs at all times when the training car is used for noninstructional purposes. Any one of the following sign combinations is acceptable:

(A) A top-mounted box sign of triangular cross section bearing the message **"Student Driver"** or **"Dual Control Car, Driver Education" or "Driver Education Car, ______ High School"**. Each panel shall be not less than 24 inches long and of sufficient height to avoid crowding of the information placed on the sign.

(B) A top-mounted sign having two panels which face both directly forward and to the rear. Each panel must be not less than 7 inches high by 27 inches long. The lettered imprint may be any of the options listed in subsection (2)(c) and paragraph (2)(c)(A) of this rule. Use of flashing amber lights in conjunction with such signs is governed by ORS 483.423, Oregon Motor Vehicle Laws, which should be consulted before such equipment is purchased and utilized.

(C) Front and rear bumper signs designed for use on driver education cars. Both signs must be used. A single sign is not acceptable. Each sign shall be not less than 24 inches long and of appropriate height for its location. Small metal signs of approximate license plate size are not acceptable.

(D) Magnetic or adhesive signs designed for placement on car doors may be used in conjunction with a rear bumper sign or a magnetic or adhesive sign designed for placement on a vertical rear surface of the car body. Each door or trunk sign shall be not less than 5-1/2 inches high by 20 inches long.

[**Publications**: The publication(s) referred to or incorporated by reference in this rule are available from the Department of Education.]

Stat. Auth.: ORS Ch. 326 & 343
Stats. Implemented: ORS 336.790 thru 336.815
Hist: 1EB 118, f. 11-28-67, ef. 12-25-67; 1EB 131, f. 5-12-72, ef. 6-1-72; 1EB 231, f. 6-11-76, ef. 6-16-76; 1EB 6-1982, f. & ef. 2-18-82; 1EB 3-1984, f. & ef. 2-17-84

Standard 3 — Qualifications of Instructors

581-54-025 (1) Driver education teachers shall meet the qualifications appropriate to their assignment:

(a) Persons assigned to teach automobile driver education classroom instruction shall meet qualifications established by the Teacher Standards and Practices Commission;

(b) Persons assigned to teach only automobile driver education practice driving (behind-the-wheel instruction) shall qualify by meeting the requirements specified in subsection (1)(a) of this rule, or by completing preparation for practice driving instructor approval based on six quarter hours of preparation, including an in-car practicum with beginning drivers. A waiver of six quarter hours of preparation may be granted by the State Superintendent of Public Instruction or his designee for a maximum of one year. The waiver would be based on the applicant's showing of completion of traffic safety education that has included defense driving training such as police training or school bus driver training.

(2) In addition to meeting the appropriate qualifications cited in section (1) of this rule, every automobile driver education teacher shall possess a valid driver's license issued by the State of Oregon or by a state adjacent to Oregon provided the teacher is a legal resident thereof and is employed by an Oregon school district, and a satisfactory driving record.

(3) An applicant will be refused approval to teach driver education or a current approval shall be suspended or revoked if the applicant or teacher has had his or her driver license or privilege suspended or revoked or cancelled for any reason or is involved in the Motor Vehicles Division Driver Improvement Program.

(4) Approval to teach driver education will be reinstated when the diver education teacher's driver license or privilege in Oregon is reinstated in full or one year has passed since the last Driver Improvement entry on the driving record.

(5) Opportunities for reinstatement and appeal shall be available according to provisions equivalent to those specified in ORS 342.175(4) and 342.180.

Stat. Auth.: ORS Ch. 326 & 343
Stats. Implemented: ORS 336.790 thru 336.815
Hist: 1EB 118, f. 11-28-67, ef. 12-25-67; 1EB 131, f. 5-12-72, ef. 6-1-72; 1EB 231, f. 6-11-76, ef. 6-16-76; 1EB 30-1978, f. 8-11-78, ef. 9-1-78; 1EB 6-1982, f. & ef. 2-18-82; 1EB 2-1983, f. 2-14-83, ef. 2-15-83; 1EB 3-1984, f. & ef. 2-17-84 ; EB 16-1989, f. & cert. ef. 4-19-89

Standard 4 — Use of Time-Saving Devices and Techniques

581-54-030 (1) General provision: Simulative training devices or techniques involving multiple cars under the direction of a single instructor may be utilized.

(2) Simulators:

(a) Not more than three hours of the required six-hour minimum specified for practice driving may be given by this means.

(b) Four hours of simulator experience shall be considered equivalent to one hour of practice driving in a dual control automobile. Each student must spend twelve hours at the wheel of a simulator if the full three hours are to be claimed for substitute simulative training.

(c) Driving simulator instruction may not precede classroom instruction.

(d) Instructors shall be trained in the operation of simulator equipment as specified by the Department.

(3) Schools contemplating the use of multiple car driving ranges for the saving of teacher time in practice driving shall secure prior approval of the Department before inaugurating the plan. Factors which will be considered in determining their acceptability are:

(a) Adequacy of the practice driving range with consideration for the variety of traffic situations which it duplicates. Included are such factors as realistically placed signs and signals, provision for one-way and two-way traffic flow, grades, and opportunity to conduct a variety of skill tests.

(b) Provisions for communication between instructor and student drivers in cars other than the one in which the instructor might be riding.

(c) Provision for transition from driving range experience to public street driving. Students should have an opportunity to drive at speeds approaching those of normal residential area traffic before leaving the driving range.

(d) A maximum of four hours of individual student time may be provided in a driving range situation. Additionally, a ratio may be established which will require more hours of driving range experience than the number of hours which will be granted toward the behind-the-wheel requirement. This determination will be made on the basis of overall adequacy of the driving range.

Stat. Auth.: ORS Ch. 326 & 343
Stats. Implemented: ORS 336.790 thru 336.815
Hist: 1EB 118, f. 11-28-67, ef. 12-25-67; 1EB 131, f. 5-12-72, ef. 6-1-72; 1EB 231, f. 6-11-76, ef. 6-16-76

TABLE 1
(581-54-025)

DRIVERS LICENSE POINT SYSTEM FOR DRIVER EDUCATION TEACHERS

	SEVERITY POINTS		
VIOLATION	1st yr	2nd yr	3rd yr
Driving under influence of liquor	15	10	5
Driving under influence of drugs	15	10	5
Hit and run	15	10	5
Negligent homicide	15	10	5
Manslaughter	15	10	5
Felony conviction involving vehicle use	15	10	5
Eluding an officer	15	10	5
Driving while suspended	15	10	5
Perjury	15	10	5
Any other violation(s) resulting in suspension or revocation by DMV	15	10	5
Negligent driving	9	6	3
Reckless driving	9	6	3
Speed contest	9	6	3
Failure to maintain control	9	6	3
Failure to stop for school bus	9	6	3
Any other moving violation contribution to accident	9	6	3
Careless driving	6	4	2
Violation of the Basic Rule	6	4	2
Failure to yield right of way	6	4	2
Passing with insufficient clearance	6	4	2
Disobey red light	6	4	2
Disobey stop sign	6	4	2
Failure to drive right	3	2	1
Illegal turn	3	2	1
Improper land use/change	3	2	1
Improper turn	3	2	1
Following too close	3	2	1
Any other moving violation not contributing to accident	3	2	1

DIVISION 55

FIRE SAFETY

Plan of Action for Fire Prevention

581-55-005 [1 EB 118, f. 11-28-67, ef. 12-25-67; Repealed and Readopted by 1 EB 131, f. 5-12-72, ef. 6-1-72; Repealed by 1 EB 224, f. & ef. 5-5-76]

Plan of Action for Fire Drills

581-55-010 [1 EB 118, f. 11-28-67, ef. 12-25-67; Repealed and Readopted by 1 EB 131, f. 5-12-72, ef. 6-1-72; Repealed by 1 EB 224, f. & ef. 5-5-76]

Fire Drill Activities

581-55-015 [1 EB 118, f. 11-28-67, ef. 12-25-67; Repealed and Readopted by 1 EB 131, f. 5-12-72, ef. 6-1-72; Repealed by 1 EB 224, f. & ef. 5-5-76]

Fire Drill Principles

581-55-020 [1 EB 118, f. 11-28-67, ef. 12-25-67; Repealed and Readopted by 1 EB 131, f. 5-12-72, ef. 6-1-72; Repealed by 1 EB 224, f. & ef. 5-5-76]

DIVISION 60

FUNDS TO STATE AND LOCAL AGENCIES TO PROVIDE EMPLOYMENT AND TRAINING SERVICES UNDER THE JOB TRAINING PARTNERSHIP ACT (JTPA)

Definitions

581-60-005 The following definitions apply to OAR 581-60-005 through 581-60-020 unless the context requires otherwise:

(1) "Department": The Oregon Department of Education.

(2) "The Act": Job Training Partnership Act (JTPA), Public Law 97-300 enacted October 13, 1982, by the U.S. Congress.

(3) "Economically Disadvantaged":

(a) One who receives, or is a member of a family which receives, cash welfare payments under a federal, state or local welfare program;

(b) One who has, or is a member of a family which has, received a total family income (exclusive of unemployment compensation, child support payments, and welfare payments) for the six-month period prior to application for the program involved which, in relation to family size, was not in excess of the higher of:

(A) The poverty level determined in accordance with criteria established by the Director of the Office of Management and Budget; or

(B) 70 percent of the lower living standard income level;

(c) One who is receivng food stamps pursuant to the Food Stamp Act of 1977;

(d) One who is a foster child on behalf of whom state or local government payments are made; or

(e) In cases permitted by federal regulations, one who is an adult handicapped individual whose own income meets the requirements of subsection (3)(a) or (b) of this rule, but who is a member of a family whose income does not meet such requirements.

(4) "Eligible Participants": Economically disadvantaged youth ages 14 to 21 or adults ages 22 and older.

(5) "Support Services": Services which are necessary to enable an individual who is eligible for training under this Act, but cannot afford to pay for such services, to participate in a training program.

(6) "Service Delivery Area (SDA)": The state or one or more units of general local government designated by the Governor to promote effective delivery of job training services to eligible program participants.

(7) "Private Industry Council(PIC)": An advisory council appointed by each Service Delivery Area comprised of representatives of the private sector, educational agencies, labor, rehabilitation agencies, community-based organizations, economical development agencies and public employment service.

(8) Local Matching Funds": State or local area and authorized non-JTPA federal funds qualified to match JTPA funds, where required, in the form of cash or in-kind.

(9) "Performance Standards": Criteria established by Congress to determine the return on investment, measured by increased employment opportunities and earnings of participants, coupled with the reduction in welfare dependency.

(10) "Review Committee": A body of individuals selected by the Department to review, evaluate and make recommendations on the awarding of grants for services delivery.

(11) "Sole Source": An agency or organization selected by the Department and subsequently awarded funds to perform a specific service or activity exclusive of the competitive RFP process.

Stat. Auth.: ORS Ch.
Hist: 1EB 10-1983(Temp), f. & ef. 11-2-83; 1EB 12-1984, f. & ef. 5-3-84; 1EB 18-1986, f. 5-20-86, ef. 5-23-86

[**ED. NOTE**: The text of Temporary Rules is not printed in the Oregon Administrative Rules Compilation. Copies may be obtained from the adopting agency or the Secretary of State.]

Application for Funds to Provide Employment and Training Services to Eligible Participants

581-60-010 Funding availability will be announced to the public by the Department of Education for the provision of selected services allowed under the Act. All funds will be disbursed as contracts or interagency agreements either through competitive or sole source "Requests for Proposals". The Department will solicit, from eligible and appropriate state and local agencies or entities, responses to competitive "Requests for Proposals" (RFPs) for most of the operation of programs. Limited funds will be awarded through a sole source "Request for Proposal" process. Some RFPs will be general in nature while others will target specific training needs and sole source services. The RFP response proposal shall describe:

(1) Statement of need;
(2) Project goals, objectives and activities;
(3) Project description (timelines, target group, etc.);
(4) Geographic areas served;
(5) Specific occupations of training;
(6) Project management and evaluation; and
(7) Methods by which required dollar-for-dollar "local matching funds" will equate to funds requested.

Stat. Auth.: ORS Ch.
Hist: 1EB 10-1983(Temp), f. & ef. 11-2-83; 1EB 12-1984, f. & ef. 5-3-84; 1EB 18-1986, f. 5-20-86, ef. 5-23-86

[**ED. NOTE**: The text of Temporary Rules is not printed in the Oregon Administrative Rules Compilation. Copies may be obtained from the adopting agency or the Secretary of State.]

Selection of Proposals to be Funded and the Awarding of Funds

581-60-015 A review committee, comprised of Department staff and other outside persons, will review all training proposals submitted and make recommendations for funding. Review selection and funding criteria will be that established and itemized within the appropriate RFP. Review of committee findings and recommendations will be sought by Department staff from applicable state and local agencies, councils and associations. The State Board of Education will be the final authority in approving proposals funded by the Department. Once authorized by the Board, funds will be awarded to the respective applicant by the Department.

Stat. Auth.: ORS Ch.
Hist: 1EB 10-1983(Temp), f. & ef. 11-2-83; 1EB 12-1984, f. & ef. 5-3-84; 1EB 18-1986, f. 5-20-86, ef. 5-23-86

[**ED. NOTE**: The text of Temporary Rules is not printed in the Oregon Administrative Rules Compilation. Copies may be obtained from the adopting agency or the Secretary of State.]

Payments and Accounting for Funds

581-60-020 (1) Agencies and institutions receiving funds shall be reimbursed by the Department upon submission of requests for reimbursement detailing information regarding expenditures.

(2) Payment of the last ten percent of the contract or agreement amount will be contingent upon receipt of a final report containing the following information:

(a) Descriptive report of project activities and performance standard achievement;

(b) Summary of expenditures by program objectives; and

(c) Summary of project evaluation including effectiveness for the program participants.

(3) Funds not expended by fund recipients will be reallocated to fund other programs and projects.

Stat. Auth.: ORS Ch.
Hist: 1EB 10-1983(Temp), f. & ef. 11-2-83; 1EB 12-1984, f. & ef. 5-3-84; 1EB 18-1986, f. 5-20-86, ef. 5-23-86

[**ED. NOTE**: The text of Temporary Rules is not printed in the Oregon Administrative Rules Compilation. Copies may be obtained from the adopting agency or the Secretary of State.]

Small Business Assistance Grants to Community Colleges and Community College Service Districts

Definitions

581-60-105 [1EB 11-1983(Temp),
f. & ef. 11-2-83]

Applications for Grants for Small Business Assistance Center Activities

581-60-110 [1EB 11-1983(Temp),
f. & ef. 11-2-83]

Selection of Applications and Allocaltion of Funds

581-60-115 [1EB 11-1983(Temp),
f. & ef. 11-2-83]

Payment and Accounting for Grants

581-60-120 [1EB 11-1983(Temp),
f. & ef. 11-2-83]

DIVISION 61

PROCEDURAL RULES

Rules of Procedure Before the State Board of Education and the Superintendent of Public Instruction; Purpose
581-61-005 [1 EB 118, f. 11-8-67, ef. 12-25-67; Repealed by 1 EB 130, f. 4-21-72, ef. 10-1-72]

Institution of Proceedings by Petition
581-61-010 [1 EB 118, f. 11-8-67, ef. 12-25-67; Repealed by 1 EB 130, f. 4-21-72, ef. 10-1-72]

Institution of Proceedings By Notice
581-61-015 [1 EB 118, f. 11-8-67, ef. 12-25-67; Repealed by 1 EB 130, f. 4-21-72, ef. 10-1-72]

Hearings
581-61-020 [1 EB 118, f. 11-8-67, ef. 12-25-67; Repealed by 1 EB 130, f. 4-21-72, ef. 10-1-72]

Decision
581-61-025 [1 EB 118, f. 11-8-67, ef. 12-25-67; Repealed by 1 EB 130, f. 4-21-72, ef. 10-1-72]

Appeal From Dismissal
581-61-030 [1 EB 118, f. 11-8-67, ef. 12-25-67; Repealed by 1 EB 130, f. 4-21-72, ef. 10-1-72]

581-61-035 [Renumbered to 581-01-005, 4-1-76]

581-61-040 [Renumbered to 581-01-000, 4-1-76]

Suspension or Revocation of License of Vocational School or Salesman; Denial of License
581-61-045 [1 EB 118, f. 11-8-67, ef. 12-25-67; Repealed by 1 EB 130, f. 4-21-72, ef. 10-1-72]

DIVISION 71

RADIO-TELEVISION AGREEMENT

[**ED. NOTE**: Approved by the State Board of Higher Education December 11, 1962. Approved by the State Board of Education January 30, 1963.]

Purpose and Needs

581-71-005 Educational television and radio in Oregon embrace three major functions, and consequently these are the three areas of interest which the state educational network is designed to serve:

(1) The needs of the State System of Higher Education for interinstitutional programming, broadcast courses, and experimental programs such as the Oregon College of the Air;

(2) The needs of the elementary and secondary schools of the state for in-school and teacher in-service programs;

(3) The needs of the general public for cultural programming and continuing education.

Stat. Auth.: ORS Ch. 354
Stats. Implemented: ORS 354.430 - 354.515
Hist: 1 EB 118, f. 11-28-67, ef. 12-25-67

Principles of Operating Network

581-71-010 Since the agency operating the network may encounter conflicts among the interests representing these needs, these guiding principles for operating the network are therefore agreed upon by the Educational Coordinating Council:

(1) The purpose of educational television and radio in relation to the elementary and secondary schools is the improvement of instruction and services to children. Therefore, all agencies involved in such programming for the public schools, including the Department of Educational Media of the State System of Higher Education, the Oregon State Department of Education, and participating schools, shall consider their specific activities as part of a cooperative project for the accomplishment of these goals.

(2) It is the primary responsibility of the Oregon State Department of Education to develop programs for in-school viewing and listening and teacher in-service both within the Department and with school districts and involve the network in-school program personnel in such program planning.

(3) Instructional programs for in-school viewing and listening and teacher in-service may be initiated by any appropriate group, but such programs must be approved by the Oregon State Department of Education before they can be scheduled on either network. Persons or agencies interested in developing any in-school or teacher in-service programs or other programs oriented to instructional objectives for elementary and secondary pupils will be referred by the network personnel to the Oregon State Department of Education.

(4) Studio production and broadcasting of such programs, when approved by the Oregon State Department of Education, shall be the primary responsibility of the agency operating the network. In such production, consideration shall be given to the wishes of the Oregon State Department of Education, and the tele-teacher shall be considered an employee of the Department.

(5) The daytime hours from 8 a.m. to 5 p.m. are priority hours for instructional programming on the networks.

(6) Assignment of available time on the networks will be the responsibility of the Network Program Committee in consultation with representatives of the Oregon State Department of Education, State System of Higher Education, and other participating organizations and agencies. Factors such as program availability, budgets for station operation and program production, interests of the intended audience segments, needs of the educational groups to be served, and network production capabilities shall be given due consideration in the development of the composite schedule.

(7) Solution of any problems between the Oregon State Department of Education and the State System of Higher Education arising out of conflicts in scheduling shall be referred by the Network Program Committee of the two State Boards. In resolving conflicts, the needs of the various educational levels shall be the determining factors.

(8) Adequate funds for the development of in-school programs including such items as teacher salaries, television and radio program specialists, artists, handbooks, and the acquisition of programs on tapes and films should be included in the Oregon State Department of Education budget.

(9) Funds budgeted for station costs (studio production and broadcast transmission) chargeable to the Oregon State Department of Education for programs it has developed and/or approved should be clearly earmarked for this purpose in the Department of Educational Media of the State System of Higher Education budget. Adequate funds shall be budgeted to permit the network operating agency to schedule in-school and teacher in-service programs to coincide with the public school calendar as determined by the Oregon State Department of Education.

(10) The Department of Educational Media of the State System of Higher Education shall, through a cost accounting system, make available a price schedule for the prorating of the several costs involved in the development, production, and transmission of educational television broadcasts. These data are to be reviewed by the coordinating subcommittee.

(11) It is primarily the responsibility of the Oregon State Department of Education to supply public school educators with information about and schedules of in-school and teacher in-service programs; to develop and publish teacher's guides and handbooks; to initiate and solicit ideas for programs; to work with school districts on facilities and the development and utilization of programs; and to conduct surveys of program utilization, evaluation, and needs. The cooperative services of the informational officers of both agencies may be utilized to provide public information concerning approved in-school and teacher in-service programs.

(12) The executive producer of instructional programs shall serve as the liaison person between the Department of Educational Media of the State

System of Higher Education and the appointed representative of the Oregon State Department of Education in matters of scheduling and program production which involve both agencies.

(13) The Department of Educational Media of the State System of Higher Education and the Oregon State Department of Education shall consult through their proper representatives with regard to budget information and formulation in areas of mutual concern.

(14) The policies, rules, and regulations adopted by the coordinating council shall be distributed to all employes of both agencies who are concerned with educational television and radio and to school district personnel involved in program production.

(15) These same policies for mutual working relationships shall cover any expansion of the network facilities and services and any expansion of the Oregon State Department of Education's educational television and radio program.

Stat. Auth.: ORS Ch. 354
Stats. Implemented: ORS 354.430 - 354.515
Hist: 1 EB 118, f. 11-28-67, ef. 12-25-67

DIVISION 72

BOARD OF HEALTH AGREEMENT

General Purpose
581-72-005 [1 EB 118, f. 11-28-67, ef. 12-25-67;
Repealed and Readopted
by 1 EB 131,
f. 5-12-72, ef. 6-1-72;
Repealed by 1 EB 224,
f. & ef. 5-5-76]

Introduction
581-72-010 [1 EB 118, f. 11-28-67, ef. 12-25-67;
Repealed and Readopted
by 1 EB 131,
f. 5-12-72, ef. 6-1-72;
Repealed by 1 EB 224,
f. & ef. 5-5-76]

Agreements for Cooperative Services
581-72-015 [1 EB 118, f. 11-28-67, ef. 12-25-67;
Repealed and Readopted
by 1 EB 131,
f. 5-12-72, ef. 6-1-72;
Repealed by 1 EB 224,
f. & ef. 5-5-76]

DIVISION 73

STATE PLANS

[**ED. NOTE:** State Plans adopted by the State Board of Education are available upon request from the Department of Education or the Secretary of State.]

State Plans

581-73-005 [1 EB 4, f. 5-7-59;
1 EB 5, f. 5-7-59;
1 EB 62, f. 1-26-61;
1 EB 63, f. 1-26-61;
1 EB65, f. 2-9-61;
1 EB 83, f. 6-11-62;
1 EB 108,f. 12-23-63;
1 EB 129,f. 3-20-72;
1 EB 136, f. 7-21-72;
1 EB 147,f. 2-2-73;
1 EB 154, f. 7-20-73;
1 EB 159,f. 10-23-73;
1 EB171, f. 6-13-74;
1 EB 174,f. 9-3-74;
1 EB 185, f. 3-6-75;
1 EB 195, f. 6-5-75;
1 EB196, f. 6-5-75;
1 EB 198,f. 7-1-75;
1 EB 203, f. 7-9-75;
1 EB 204,f. 8-19-75;
1 EB 236,f. & ef. 6-23-76;
1 EB239, f. & ef. 8-20-76;
1 EB 244, f. &ef. 8-31-76;
1 EB 254, f. &ef. 12-2-76;
Repealed by 1EB 241,
f. & ef. 8-27-76]

DIVISION 74

CRITERIA FOR EVALUATION OF DEGREE GRANTING INSTITUTIONS

Application Procedures and Standards for Approving Institutions for Degree Granting Authority

581-74-005 [1 EB 144, f. 11-3-72;
1 EB 145(Temp), f. 11-3-72;
Repealed by 1 EB 224,
f. & ef. 5-5-76]

DIVISION 75

FEDERAL EDUCATION CONSOLIDATION AND IMPROVEMENT ACT

Chapter 2 of the Federal Education Consolidation and Improvement Act of 1981

581-75-025 [1EB 13-1982, f. & ef. 5-13-82; Repealed by EB 7-1995, f. & cert. ef. 3-5-95]

DIVISION 80

RETENTION AND DISPOSAL SCHEDULE FOR SCHOOL DISTRICT RECORDS

Records Schedules
581-80-100 [1EB 102, f. 12-5-62;
Repealed by 1EB 9-1980,
f. & ef. 4-18-80]

Review
581-80-105 [1EB 102, f. 12-5-62;
Repealed by 1EB 9-1980,
f. & ef. 4-18-80]

Definitions
581-80-110 [1EB 102, f. 12-5-62;
Repealed by 1EB 9-1980,
f. & ef. 4-18-80]

Procedure
581-80-115 [1EB 102, f. 12-5-62;
Repealed by 1EB 9-1980,
f. & ef. 4-18-80]

Audit
581-80-120 [1EB 102, f. 12-5-62;
Repealed by 1EB 9-1980,
f. & ef. 4-18-80]

Disposition
581-80-200 [1EB 102, f. 12-5-62;
Repealed by 1EB 9-1980,
f. & ef. 4-18-80]

Records of Discontinued School Districts or Parts Thereof
581-80-210 [1EB 102, f. 12-5-62;
Repealed by 1EB 9-1980,
f. & ef. 4-18-80]

Records of School Districts and Schools
581-80-220 [1EB 102, f. 12-5-62;
Repealed by 1EB 9-1980,
f. & ef. 4-18-80]